

General Electric Company
LPC# 1950350003/1950350007
Whiteside County
SF/HRS

CERCLA Site Reassessment

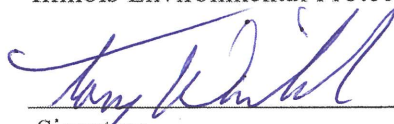


Prepared by:
Office of Site Evaluation
Division of Remediation Management
Bureau of Land

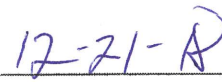
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Title: CERCLA Site Reassessment for General Electric Company

Preparer: Tony Wasilewski, Project Manager, Office of Site Evaluation,
Illinois Environmental Protection Agency



Signature



Date

Approval: Erica Aultz, Site Assessment Manager, United States Environmental
Protection Agency, Region 5

Signature

Date





The approval signatures on this page indicate that this document has been authorized for information release to the public through appropriate channels. No other forms or signatures are required to document this information release.

SITE REASSESSMENT

For:

**General Electric
Morrison, Illinois**

**LPC 1950350003/1950350007
ILD 005 272 992**

**PREPARED BY:
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
BUREAU OF LAND
DIVISION OF REMEDIATION MANAGEMENT
OFFICE OF SITE EVALUATION**

January 3, 2018

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Section 1.0 Introduction

On January 26, 2017, the Illinois Environmental Protection Agency's (Illinois EPA) Office of Site Evaluation was tasked by the United States Environmental Protection Agency (U.S. EPA) Region V to conduct a Site Reassessment at the General Electric Company (GE) site in Morrison, Whiteside County, Illinois. The General Electric Site (ILD005272992) consists of approximately 35 acres located at 709 West Wall Street, Morrison, IL. The Latitude and Longitude for the site is 41.811056N and -89.978062E.

The Site Reassessment is performed under the authority of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) commonly known as Superfund. Current U.S. EPA policy stipulates that a Site Reassessment be conducted to determine the current status of the General Electric site. The Site Reassessment will consist of an evaluation of recent information to determine if further Superfund investigations are warranted. The Site Reassessment will supplement previous work, and is not intended to replace previous CERCLA assessments.

The Site Reassessment is designed to evaluate recent information that will help determine if the site qualifies for possible inclusion on the National Priorities List (NPL), or should receive a No Further Remedial Action Planned (NFRAP) designation. At the conclusion of the reassessment process Illinois EPA will recommend that the site be given a NFRAP designation, receive further Superfund investigation, or referred to another state or federal cleanup program.

The General Electric site was initially placed on the Superfund Enterprise Management System (SEMS) database in 1982 and a Preliminary Assessment was completed in December 1983. The site was listed initially due to General Electric using Morrison City dumps and GE becoming a large quantity generator of hazardous waste.

The Site Reassessment Report will describe current site conditions and illustrate how the site has changed since the last CERCLA investigation in 1983. This report will contain a summary of existing information that will include site history, current site conditions, evaluate past analytical data, and evaluate past remedial activities. The Site Reassessment will also support emergency response or time-critical removal activities if they are warranted.

2.0 Site Description and History

2.1 Site Description

The General Electric Company property consists of approximately 35 acres located in Union Grove Township in the town of Morrison, IL in Whiteside County at 709 Wall Street Morrison, IL (Figure 3). The property is located in Township 21 North, Range 4 East of Section 13 and is located in the 17th Congressional District. The site is bordered on the west by Prairie Ridge Golf Course and Morris Street, to the east and south by private residential homes and to the north by C & N Railroad and empty industrial property. The GE facility is made up of multiple buildings that are located along Wall Street, Morris Street and North Heaton Street.

The GE Morrison facility consists of the Main Building 15, Building 14, and Building 17 (Figure 3). The Main Building and Building 14 are located side-by-side and are separated by Wall Street which runs west to east on the north side of the Main Building. The Main Building 15 is sometimes referred to as GE-1 in historical reports. Building 17 is located one block east of Building 14 at the intersection of Wall Street and Heaton Street. A storage shed known as the Butler Building (Building 6) is located on the north side of Wall Street just west of Building 17. Various owners and manufacturing operations have occupied the industrial complex according to records dating back to 1920. Facility owners of the Main Building have

included Liquid Carbonic Company and Ethan Allen Furniture Company as well as GE. Manufacturing activities within the industrial complex have included the production of refrigeration products and vending machines, heating and ventilation equipment and furniture. The nearest water body is the Rock Creek which is located approximately 1500 feet to the south and the nearest school is approximately 4500 feet to the south east.

2.2 Site History

The General Electric Company (GE) operated a manufacturing facility in Morrison, IL, from the late 1940's to 2010. The facility manufactured electrical and control components for motors and motor control equipment that were assembled at other locations. Prior to 1994 GE used chlorinated organic solvents for removing oil from the components prior to assembly into units for installation in the final product. The degreasing operations occurred in the Main Building (Building No. 1) at two separate locations: a small immersion tank degreaser and at a large continuous process line degreaser.

The history of Building 1 is that Liquid Carbonic Company owned the building from some unspecified time until 1944, at which time it sold the building to Northwestern Mutual Life but leased the building and continued to operate until 1949. During the period 1947-1949, Northwestern expanded the building over an area that was reported to have been used for more than 60 years as a disposal area for unspecified material. From 1949 to at least 1989, Northwestern leased the building to GE.

In 1986, chlorinated volatile organic compounds (CVOC) were detected in the City of Morrison's water supply wells located approximately 3200 ft to the south east near Rock Creek on the south side of Morrison. The contamination was found during a sampling inventory of municipal water supplies by the Illinois EPA's Division of Public Water Supplies. In 1987 GE, under Illinois EPA oversight, installed and sampled eight groundwater monitoring wells in the unconfined aquifer in the area. CVOCs were

detected in groundwater samples collected from three of the eight monitoring wells. Concentrations of trichloroethene (TCE), tetrachloroethene (PCE), 1,1,1-tetrachloroethane (1,1,1-TCA), and 1,1-dichloroethene (1,1-DCE) exceeded Illinois EPA Tier 1 Groundwater Standards in the groundwater sample collected from G105D (Mathes and Assoc.). The City of Morrison's water supply wells are screened in a deeper confined aquifer that is separated from the unconfined aquifer by the 350-foot thick Maquoketa Shale Layer. The Maquoketa shale is a hydrogeologic barrier between the shallower and deeper permeable formations.

A video survey was conducted down-hole in the three City water supply wells near Rock Creek in early 1988. The results showed a hole in the casing in Well 1 at approximately 100 ft. below ground and water entering the well from the unconfined aquifer and migrating down the casing to the confined aquifer. In response to this observation, GE decommissioned two of Morrison's community water supply wells (CW-1 and CW-2) in May 1988 to eliminate the interconnection between the upper and lower aquifer systems. One of the city wells in the area, CW-3 was not abandoned, but an air stripper was installed by GE in September 1988 to treat water extracted from it. Six additional monitoring wells were installed by GE in the unconfined aquifer between the industrial area of Morrison and Rock Creek.

All three impacted city wells are screened in the confined aquifer and are located in the southern part of Morrison. The City relied solely on City well 4 for the public water supply from December 1986 to September 1988. This well is located in the northern part of Morrison and has not been impacted with chemicals of concern. The air stripper was placed on line on September 2, 1988 to treat the groundwater from City Well 3 and this well was used as a water source for the City of Morrison. City Well #3 was officially abandoned and sealed on May 16, 2013.

In 1989, a soil gas survey was conducted beneath the floor slab at the Morrison Facility by Canonic Environmental. Analysis of the soil gas samples indicated the presence of eight different CVOCs. The

results indicated CVOCs may be present in either the soil or groundwater under the former western and eastern degreasers. GE phased out the use of 1,1,1 TCA in 1994 and TCE many years before that.

In September 2004, GE proposed a plan for the unconfined aquifer that has been the problem with the Morrison groundwater. The proposal included performing a 72-hour pumping test on well #3 to assess that the well is separated from the unconfined aquifer and removes water only from the confined aquifer, confirming that no residences are using private wells in the vicinity of the GE plant, install two additional monitoring wells to complete the southern end of the unconfined aquifer groundwater monitoring zone, and collect soil samples from 12 soil borings beneath the areas where two former degreasers were located in order to determine the existence and extent of source material beneath the GE site.

In October 2005 and 2006, groundwater was collected from 12 locations that included 11 monitoring wells located around the GE facility and one sample from Community Well 3. According to the results of both groundwater sampling events it was shown that natural attenuation processes was continuing to reduce the concentrations of chlorinated organics in the groundwater, although very high levels of chlorinated organics remained in the monitoring wells. GE continued to monitor the groundwater in 2007 and 2008 and basically had the same high levels of chlorinated organics in the monitoring wells.

GE permanently shut down operations at his facility in 2010 and there are currently no tenants. On-site sources potentially included a former TCE underground storage tank, a former 1,1,1-TCA aboveground storage tank located on the north side of the Main Building, and two former degreasers inside the Main Building. The 2010 Consent Order between the Attorney General's Office, Illinois EPA and the Defendant required completion of a Work Plan to address the remaining data gaps associated with the site. The Consent Order was issued for violations to the Illinois Environmental Protection Act.

The program that administered the oversight for the GE Consent Order was the Illinois EPA State Sites Unit.

The initial Work Plan activities were started in December 2011 and completed in January 2012. Since that time, additional work has been performed by GE to fill data gaps at the recommendation of Illinois EPA. Supplemental investigations have been conducted at the site beginning in February 2012 through May 2016. The results of these investigations were reported in the Focused Site Investigation (FSI) Report, FSI Addendum Report, Response to Illinois EPA Comments Report, the Remedial Objectives Report, and the Revised ROR.

The results of the investigations revealed the presence of volatile organic compounds beneath and surrounding the Main Building. In 2013, the Illinois EPA amended its Tiered Approach to Corrective Action Objectives (TACO) rules to include a risk-based approach for evaluating indoor air exposures using soil gas or groundwater. At the time, GE was completing an indoor air exposure evaluation for off-site properties down gradient from the site. GE directed its contractor MWH to perform a Tier 3 evaluation of the indoor air inhalation exposure route for the Main Building. Groundwater was not encountered in appreciable amounts beneath the Main Building and soil gas samples were not collected because a previous soil gas survey, conducted in 1989, had already identified the former degreaser's as potential sources.

2.3 CERCLA Investigative History

The GE site was put on SEMS sometime in 1982 due to GE becoming a large quantity generator of hazardous waste and dumping hazardous material in the Morrison City dump. The facility received an onsite inspection in December 1982 and the Preliminary Assessment (PA) was completed in December 1983. Waste listed as possibly present at the site included; sludge, solvents, and heavy metals. The

contaminants listed as potentially being associated with the waste included; plating sludge, 1,1,1-trichloroethane, trichlorotrifluoroethane, ethanol, and mercury. The PA listed the quantity of potential waste as unknown and listed no hazardous incidents or conditions existed at the site. The PA was performed by Illinois EPA's Rockford field office and was given a no further action priority status based upon information obtained at the time of the PA. No samples were collected during the PA. Although the recommendation of no further action was made, the site remained on SEMS and was never removed. No other CERCLA investigations were conducted on this property.

3.0 Other Cleanup Authorities and Activities

Outside of the CERCLA process, the following state and PRP lead investigations have occurred at the GE site under authorities to better determine the impact of activities that took place on the site. During a routine inventory of municipal water supply wells in 1986, conducted by the Illinois EPA Division of Public Water Supply, trichloroethene (TCE) was detected in three of the city of Morrison's four municipal ground water supply wells. The wells were CW-1, CW-2 and CW-3. Wells CW-1 and CW-2 were sealed and taken out of commission in May and June of 1988 (Appendix C). CW-3 had a packed tower air stripper installed in September 1988 and used as a backup well until 2013. In May 2013 CW-3 was abandoned and sealed. The city continued to supply its residents with water from city well CW-4. The city installed CW-5 in 2008. These two wells are still providing water to the city of Morrison's residents as of the writing of this report. Initially, five potential sources were identified as the possible cause of the groundwater contamination discovered in 1986. They included the Presto Landfill, Quarry Landfill, Fairgrounds Landfill, Whiteside County Landfill and the Wetlands Area located directly west of the GE building one.

Because of the Illinois EPA's discovery of the contaminated wells, GE was named as a Potentially Responsible Party (PRP) by Illinois EPA. A Phase II RI was conducted in compliance with "Notice Pursuant to Section 4 (q) of the Environmental Protection Act" (4 (q) Notice). As a consequence of Illinois EPA's identification of potential source areas, GE and 11 other entities were named as Potential Responsible Parties. When an attempt at forming a cooperative organization of the PRPs failed, only GE complied with the response measures mandated by the 4 (q) Notice (Conine Environmental). GE conducted a Phase II Remedial Investigation (RI) in November 1988. The purpose of the Phase II RI hydrogeologic investigation was to acquire data to evaluate the site geology, hydrology, and soil and groundwater VOC content. During this investigation, monitoring wells were installed to evaluate the groundwater and 25 soil borings were completed for chemical analysis. In addition to the Phase II investigation, an underground 3,000 gallon TCE tank was removed from outside Building 1 in 1986 (see Figure 3).

The former drum storage area was also initially investigated on its own in 1987 to search for the source of the VOC contamination in the community water supply wells. The drum storage area was addressed under the RCRA program with the Illinois EPA. It was eventually determined that the drum storage area was a contributing factor to the groundwater contamination in Morrison. GE then submitted a Closure Plan and Proposed Soil Cleanup Objectives for the drum storage area and Building 9 (see map).

Groundwater monitoring conducted as part of the Phase II RI revealed a consistent detection of TCE in almost every well monitoring well. The monitoring wells which were located downgradient from the industrial complex to the location of the city wells were found to be contaminated with TCE.

In August 1990, a revised Closure Plan and Proposed Soil Cleanup Objectives was submitted by Canonie Environmental to include a new auxiliary drum storage area, on the west side of Building 9 as

well as Building 6. Canonie reviewed previous investigations done by Baxter and Woodman (1987 and 1988) and found deficiencies in the sampling protocol for some of the samples.

Groundwater was not encountered in any of the previous sampling done by Baxter and Woodman but was encountered by Canonie during their sampling of Building 6 at approximately 14 feet. In September 1990, a Revised Closure Plan was submitted by GE to include closure cost estimates. In November 1990, Illinois EPA gave conditional approval of the August 1990 Revised Closure Plan and Proposed Clean Up Objectives with some changes.

In August 1991, Canonie Environmental submitted a draft Work Plan to address the technical concerns raised by Illinois EPA in the conditional approval of the Revised Closure Plan and Proposed Clean Up Objectives. In August 1992 Canonie submitted a revised Draft Closure Plan Amendment, Building 6 Storage Area, to require installation of a Soil Vapor Extraction (SVE) system within the Building 6 Drum Storage Area, with operation of the SVE system intended to reduce VOC concentrations to levels equivalent to clean closure. The SVE system was officially placed online in March 1994 and subsequently permanently shut down in July 1997. The operation of the SVE system did not meet the intended goals of the approved Closure Plan of the Container Storage Area.

In April 2004, a RCRA Modified Closure Plan Remediation Objectives and Remedial Action Completion Report for the Former Drum Storage Area was completed under RCRA Corrective Action. TACO was used to address the contamination in place opposed to former Cleanup Objectives. An Environmental Land Use Control (ELUC) for the Drum Storage Area was created as part of the Modified Closure Plan. The ELUC was filed with the Recorder of Deeds in Whiteside County in 2004 (Appendix B). The Container Storage Area was officially closed in January 2005 and the GE facility was closed in September 2010.

In December 2010, GE and the Illinois EPA entered into a Consent Order which stated that GE must conduct a door to door survey of houses in the vicinity of the GE facility to determine if residents are using private wells, install two additional monitoring wells, complete additional soil boring to determine weather and to what extent the soil beneath the GE facility and specifically near the former western degreaser and near the former central degreaser has contributed to the contamination, and collect soil vapor samples around the perimeter of the property. A total of 34 soil borings were collected in December 2011 around the Main Building on the GE site. Soil vapor samples were collected from residential homes in March and December 2012 and the adjacent golf course club house in May 2013 (Vapor Intrusion Sampling Report 2013).

A Focused Site Investigation Report (FSIR) was completed in May 2014 and a Remedial Objectives Report (ROR) was submitted in June 2015. The site is presently being monitored under the Consent Order by the Site Remediation Program at the Illinois EPA. GE is currently working on a Remedial Action Plan as stated in the Consent Order and final submittal of this Plan had not been made or approved as of the writing of this report. The Remedial Action Plan will describe the remedial work to be performed to meet the remediation objectives outlined in the Remedial Objective Report.

4.0 Source Discussion and Pathway Analysis

This section will combine a discussion of any HRS source(s) that are still present on the site, or have been discovered due to sample collection during the Site Reassessment. The subsequent sections within Section 5.0 will only discuss relevant pathways or exposure routes that would pertain to this site. If it is determined that additional CERCLA activities are necessary following the Site Reassessment, this section will provide the basis from which the Hazard Ranking System site score will be based on.

4.1 Source Summary

An underground 3,000-gallon TCE tank was removed from outside Building 1 in 1986. Based upon two soil borings collected in 1986 that showed minimal TCE contamination it was concluded that neither the tank or the tank operations were a source of the chlorinated hydrocarbons to the unconfined aquifer. Further delineation of this tank area may be needed for future analysis of chlorinated hydrocarbons located in the unconfined aquifer. GE had a former drum storage area that went through RCRA closure proceedings. The drum storage area would be considered a potential source area for chlorinated hydrocarbons. Other potential sources include the degreasers located in building 1 of the GE complex. The facility also had a 1,1,1 TCA aboveground tank located on the northern side of the facility. It is not known at this time how large the tank was. Two former degreasers located inside the building are also potential sources.

4.2 Groundwater Pathway

The City of Morrison's water supply wells are screened in a deeper confined aquifer that is separated from the unconfined aquifer by the 275-foot thick Maquoketa Shale Layer. The Maquoketa shale is a hydrogeologic barrier between the shallower and deeper permeable formations. A 1988 video survey showed a hole in the casing in Well 1 at approximately 100 ft. below ground and water entering the well from the unconfined aquifer and migrating down the casing to the confined aquifer. In response to this observation, GE decommissioned two of Morrison's community water supply wells (CW-1 and CW-2) in May 1988 to eliminate the interconnection between the upper and lower aquifer systems. One of the city wells in the area, CW-3 was not abandoned, but an air stripper was installed by GE in September 1988 to treat water extracted from it.

All three impacted city wells are screened in the confined aquifer and are located in the southern part of Morrison. These wells were in use prior to the CERCLA discovery in 1982 and 1986. The City relied solely on City well 4 for the public water supply from December 1986 to September 1988. This well is located in the northern part of Morrison and has not been impacted with chemicals of concern. The air stripper was placed on line on September 2, 1988 to treat the groundwater from City Well 3 and use it as a backup well. City Well #3 was officially abandoned and sealed on May 16, 2013. Well 5 was installed in 2012 to 1585 feet deep. Well 3 was then taken out of commission following the installation of well 5. The Village of Morrison has a groundwater ordinance that has been in effect since December 2010. According to the Remedial Action Plan dated October 2017, GE is pursuing a groundwater ordinance with Whiteside County for the golf course since the golf course sits outside of the Village of Morrison and the groundwater ordinance for the Village of Morrison does not pertain to the golf course. If the groundwater ordinance is not attainable then a Uniform Environmental Covenants Act (UECA) covenant with the golf course property owner will be pursued. The purpose of the additional institutional control will be to exclude the groundwater pathway (RAP, MWH 2017).

Morrison, IL Community Water Supply Wells

Well	Status
CW-1	Abandoned
CW-2	Abandoned
CW-3	Abandoned
CW-4	Active
CW-5	Active

Estimated Groundwater Usage Population

Distance (miles)	ISGS Well Population (wells/Individuals)	Non- Community Water Supply Population (wells)	Community Water Supply Population (wells/individuals)	Total Population (individuals)
0-1/4	2/4.58	0	0/882	882
1/4-1/2	10/22.9	0	3/0*	875
1/2-1	29/66.41	0	1/2006	2006
1-2	119/272.51	0	1/1320	1320
2-3	52/119.08	0	0/456	456
3-4	37/84.73	0	0/209	209

* wells are abandoned

-Population census calculated using a Whiteside County average household population of 2.29, as established by the U.S. Census Bureau.

4.3 Surface Water Pathway

The nearest water body is the Rock Creek which is located approximately 1500 feet to the south.

Figure 4 defines the 15-mile target distance limit for the surface water pathway. In previous investigations there has been no sediment samples collected from the Rock Creek and on three sampling events, surface water was collected. Almost all investigations that have been conducted at and around the site have focused on the groundwater issue. There are wetlands located along the 15-mile surface water pathway (Figure 4), but no wetlands at the most recent surface water sample locations. The wetlands make up about 12 to 16 miles of wetland frontage along the 15-mile target distance limit. The most recent surface water samples collected from Rock Creek occurred in May 2016.

There were no VOCs that exceeded a Superfund Chemical Data Matrix (SCDM) value for the environmental pathway.

4.4 Soil Exposure and Subsurface Intrusion Pathway

The site is bordered on the west by Prairie Ridge Golf Course and Morris Street, to the east and south by private residential homes and to the north by C & N Railroad and empty industrial property. There are approximately 13 homes within 200 feet of the property. There are no schools or daycare facilities located within 200 feet of the site.

Sub-slab soil gas and indoor air samples were collected from eight residential homes and one commercial building during the March 2012 event. Seven of the residential homes and the off-Site commercial building had concentrations that were below the RSL. Follow up sampling was conducted in December 2012 to confirm data results from March 2012. According to the Vapor Intrusion Sampling Report, these results confirmed that vapor intrusion was not occurring in any of the residences or the off-site commercial building. A total of 34 soil borings were collected in December 2011 around the Main Building on the GE site. Soil vapor samples were collected from residential homes in March and December 2012 and the adjacent golf course club house in May 2013 (Vapor Intrusion Sampling Report 2013). Only one residential home had levels that exceeded the Regional Screening Levels (RSL) and a vapor mitigation system was installed at this residence.

4.5 Air Pathway

The air pathway was not evaluated for this assessment and is not thought to be of concern at this time.

5.0 Summary and Conclusion

The GE site was initially put on Superfund Enterprise Management System (SEMS) database in 1982. All work conducted at and around the site has been conducted through either the RCRA program or the State Sites program. The site is presently being addressed under the State Site program and have recently received a Remedial Action Plan from GE consultants concerning how to address the environmental issues present at the site.

Since May 16, 2013, the contaminated municipal wells have been shut down, abandoned and a new municipal well installed. The contaminated wells that the City of Morrison closed due to contamination were CW-1, CW-2 and CW-3. The City continues to use CW-4 and installed an additional well (CW-5) in 2008.

The site is located in a residential area of the village. There are no private wells used for potable drinking sources between the GE facility and the Rock Creek. The residential homes that do use potable wells were located approximately 1500 feet south of Rock Creek and of the wells sampled during previous investigations, none contained any of the contaminants of concern associated with the GE site. Groundwater flow from the site is towards the southeast. The groundwater pathway does not appear to be of concern at this time since impacted public water supplies have been abandoned and groundwater ordinances are in place. Presently the site is still being evaluated under the Consent Order in the State Sites Program and a Remedial Action Plan has been approved.

References

MWH Americas Inc., GE Morrison Facility Work Plan, October 2011

Remediation Objectives and Remedial Action Completion Report Drum Storage Area, July 1998

Vapor Intrusion Sampling Report, ARCADIS, March 2013.

Final Remedial Objectives Report, MWH Americas, Inc., September 2016

Phase 1 Remedial Investigation, John Mathes and Assoc., September 1987.

Phase 2 Remedial Investigation, Conine Environmental, September 1988.

Remedial Action Plan (RAP), MWH Americas, Inc., October 2017.

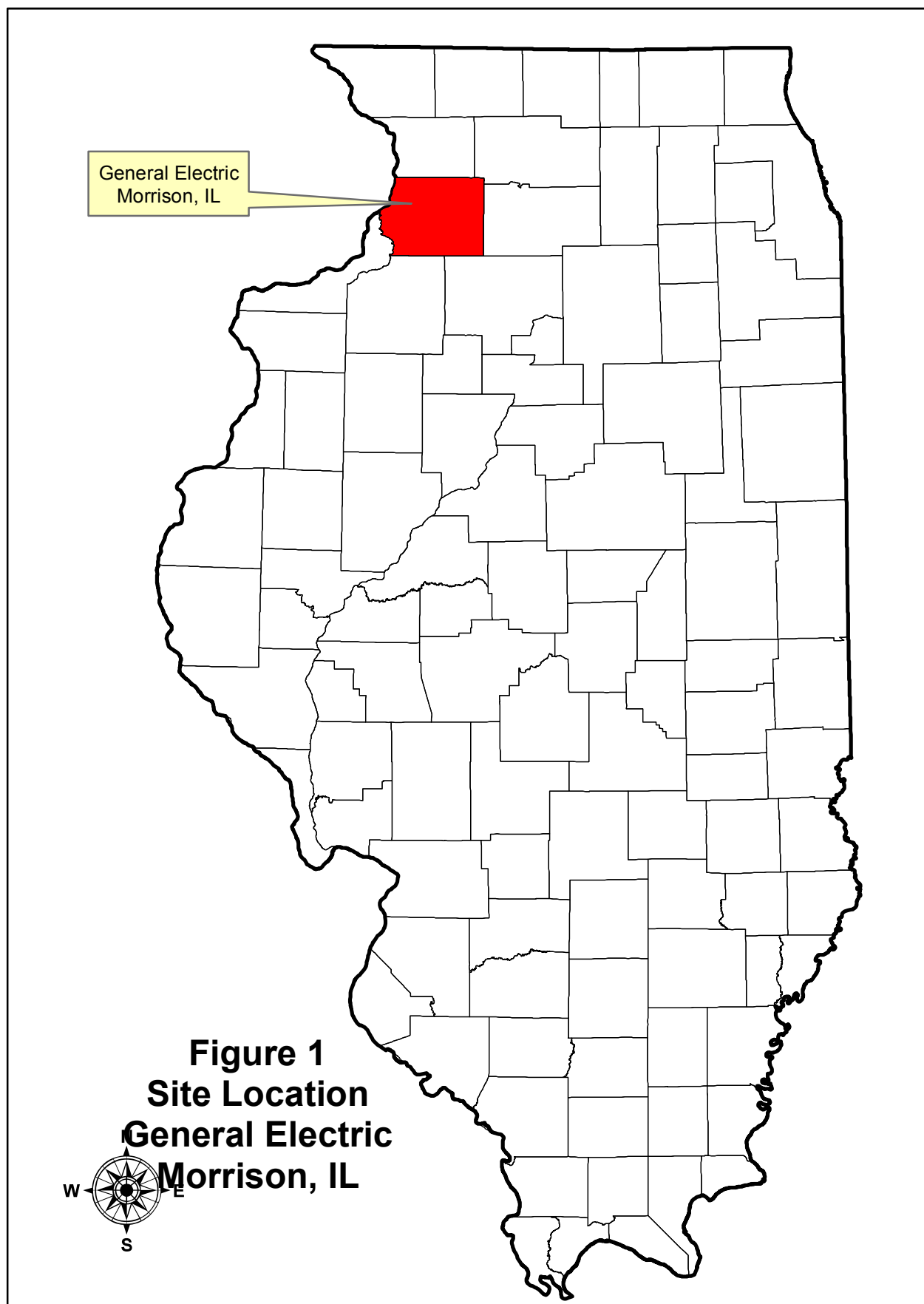
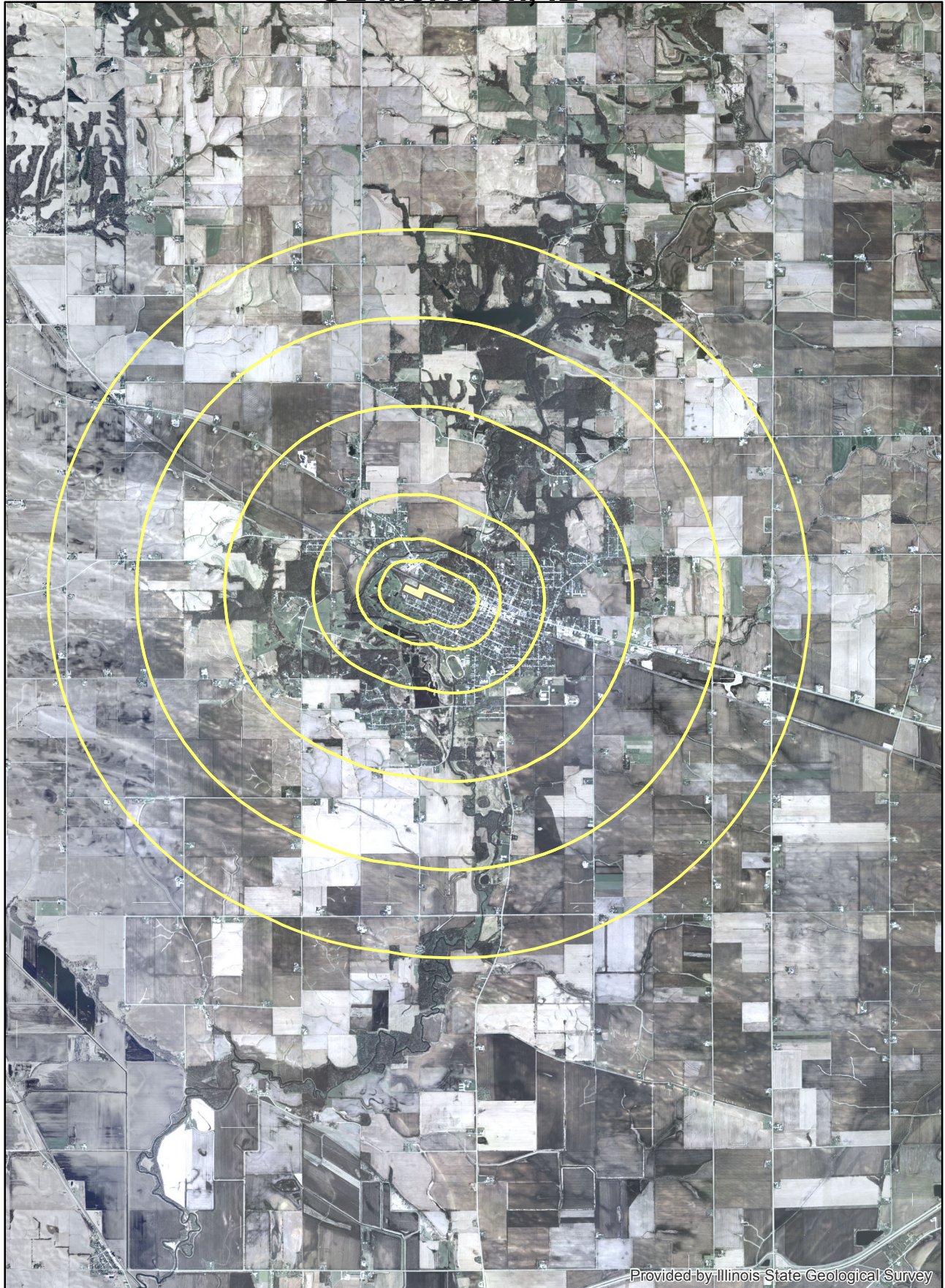
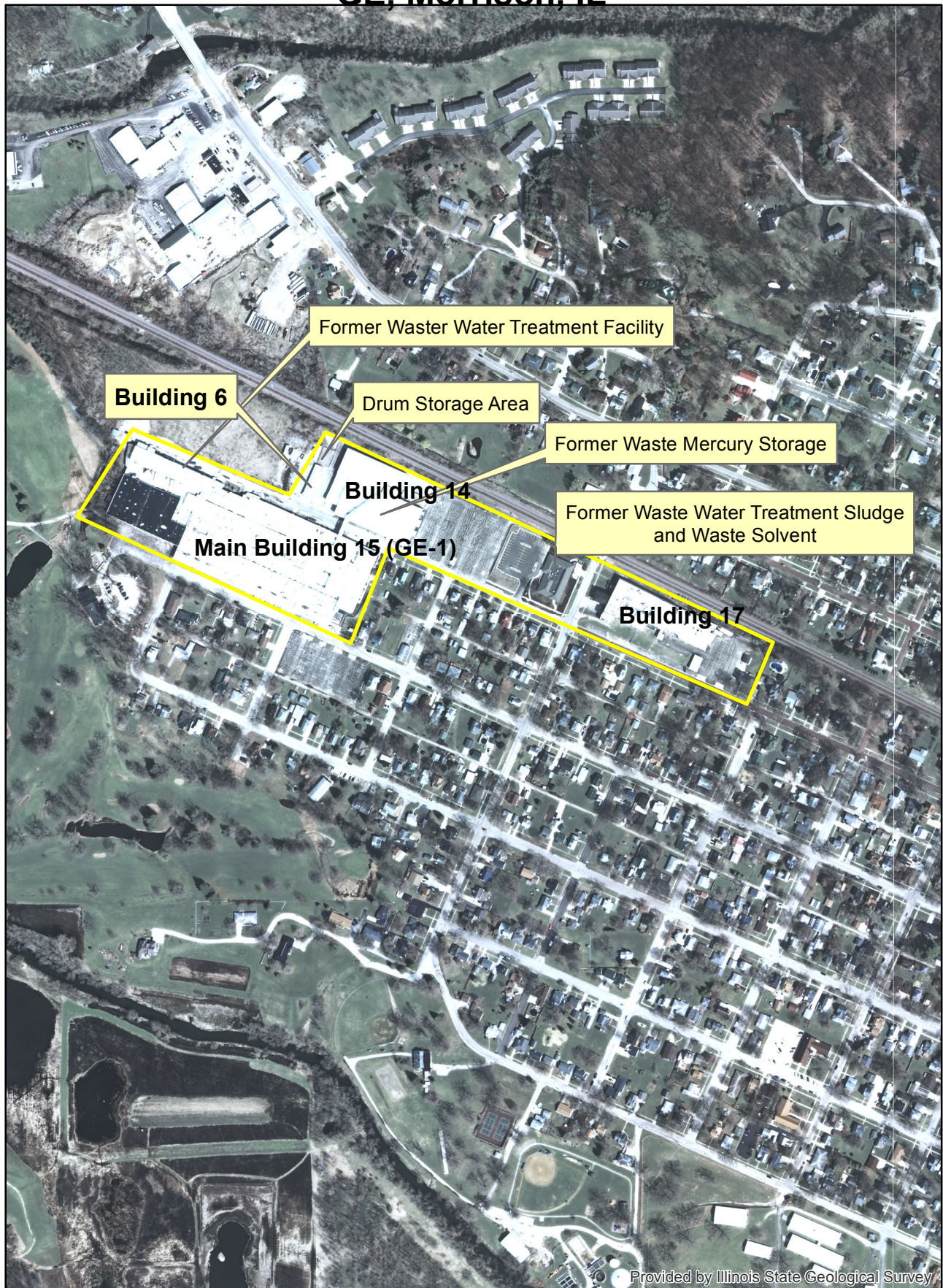


Figure 2
4-Mile Radius Map
GE Morrison, IL



Provided by Illinois State Geological Survey

Figure 3
Site Layout Map
GE, Morrison, IL











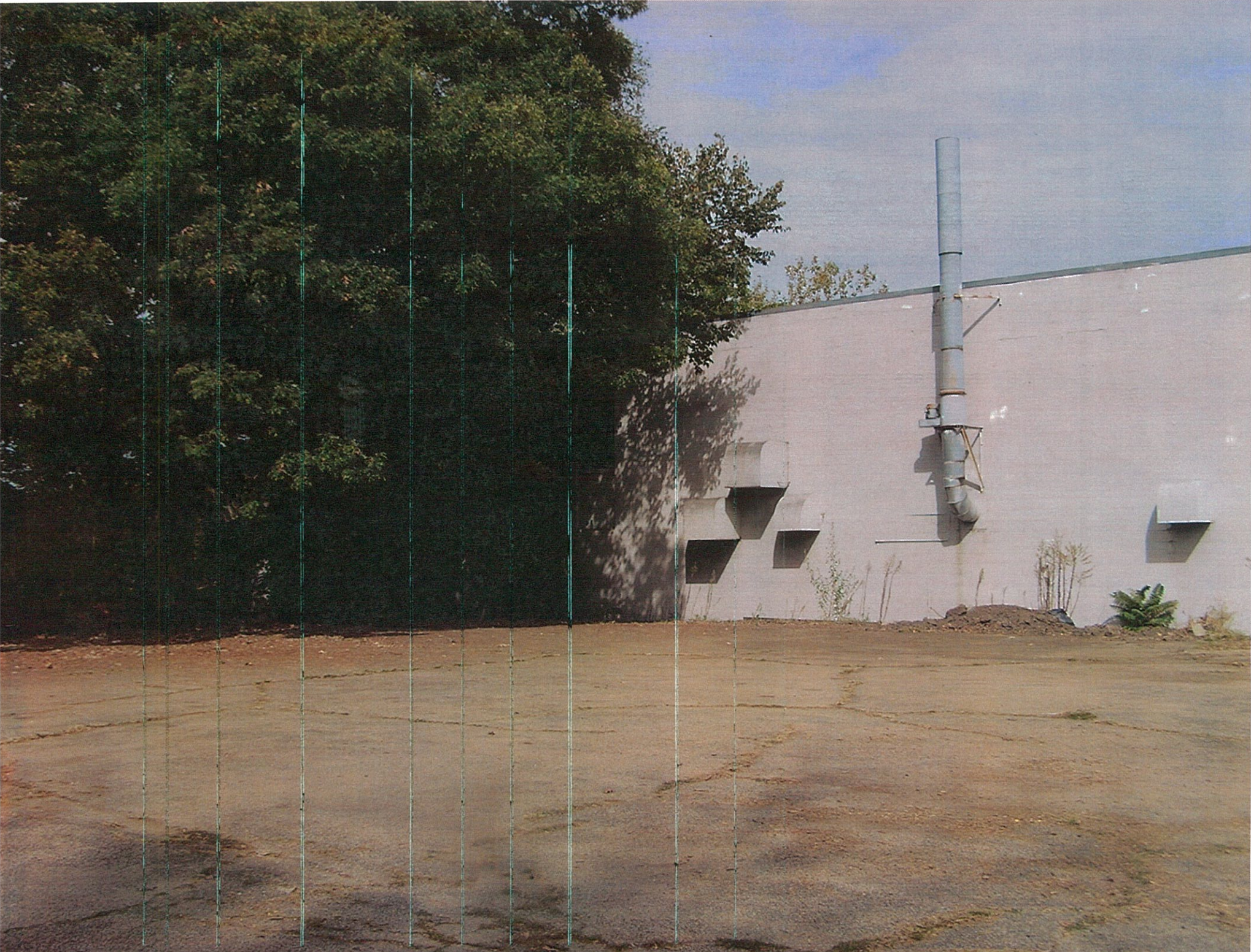












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November 23, 2004

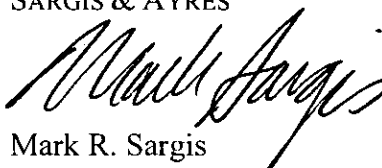
Mr. John Richardson
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re:

Dear Mr. Richardson:

Pursuant to the requirements of the approved closure plan for the RCRA storage area, enclosed please find a copy of the approved Environmental Land Use Control that we had recorded with the Whiteside County Recorder of Deeds. Please call if you have any questions concerning this matter. Thank you.

Very truly yours,
BELLANDE, CHEELY, O'FLAHERTY,
SARGIS & AYRES


Mark R. Sargis

MRS:mah
Enclosure

cc: Mr. Alex Darragh, GE Consumer and Industrial
William C. Anderson, Esq., GE Consumer and Industrial

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Change Due : \$0.00

Thank You

EUGENE "GENE" MOORE - Recorder of Deeds

By: Denise Wilson

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PREPARED BY:

Name: Mark R. Sargis
Bellande, Cheely, O'Flaherty,
Sargis & Ayres
Address: 19 S. LaSalle Street, Ste. 1203
Chicago, IL 60603

RETURN TO:

Name: Mark R. Sargis
Bellande, Cheely, O'Flaherty,
Sargis & Ayres
Address: 19 S. LaSalle Street, Ste. 1203
Chicago, IL 60603

COPY

11289-2004

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@ 10:00 AM

THE ABOVE SPACE FOR RECORDER'S OFFICE

Environmental Land Use Control

THIS ENVIRONMENTAL LAND USE CONTROL ("ELUC"), is made this 3d
day of November, 2004, by General Electric Company ("Property Owner") of a portion of
the real property located at the common address 709 West Wall Street, Morrison, Illinois
("Property").

WHEREAS, 415 ILCS 5/58.17 and 35 Ill. Adm. Code 742 provide for the use of an
ELUC as an institutional control in order to impose land use limitations or requirements related
to environmental contamination so that persons conducting remediation can obtain a No Further
Remediation determination from the Illinois Environmental Protection Agency ("IEPA"). The
reason for an ELUC is to ensure protection of human health and the environment. The limitations
and requirements contained herein are designed to protect against potential exposure to
contaminated soil or groundwater, or both, that may be present on the Property as a result of
historic manufacturing activities. Under 35 Ill. Adm. Code 742, the use of risk-based, site-
specific remediation objectives may require the use of an ELUC on real property, and the ELUC
may apply to certain physical features (e.g., engineered barriers, monitoring wells, caps, etc.).

WHEREAS, the Property Owner, through its consultants, Harrington Engineering &
Construction, Inc., intends to request risk-based, site specific soil and groundwater remediation
objectives from IEPA under 35 Ill. Adm. Code 742 to obtain risk-based closure of the site,
identified by Bureau of Land LPC #195035003 (ILD005272992) , utilizing an ELUC that will
apply to the Property.

NOW, THEREFORE, the recitals set forth above are incorporated by reference as if fully
set forth herein, and the Property Owner agrees as follows:

Section One. Property Owner does hereby establish an ELUC on the real estate, situated
in the County of Whiteside, State of Illinois and further described in Exhibit A attached hereto
and incorporated herein by reference (the "Property").

Attached as Exhibit B are scaled site maps showing, as required under 35 Ill. Adm. Code 742: (B-1) the legal boundary of the Property to which the ELUC applies; (B-2) the horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives; (B-3) the location and extent of engineered barriers within the boundary of the Property to which the ELUC applies; and (B-4) the nature and location of the source of the contaminants of concern, and the direction of underlying groundwater flow.

Section Two. Property Owner represents and warrants it is the current owner of the Property and has the authority to record this ELUC on the chain of title for the Property with the Office of the Recorder or Registrar of Titles in Whiteside County, Illinois.

Section Three. The Property Owner hereby agrees, for itself, and its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein, that the groundwater under the Property shall not be used as a potable supply of water, and any contaminated groundwater or soil that is removed, excavated, or disturbed from the Property described in Exhibit A herein must be handled in accordance with all applicable laws and regulations, and that the use of the Property will be limited to commercial and/or industrial activities.

Section Four. This ELUC is binding on the Property Owner, its grantees, successors, assigns, transferees and any other owner, occupant, lessee, possessor or user of the Property or the holder of any portion thereof or interest therein. This ELUC shall apply in perpetuity against the Property and shall not be released until the IEPA determines there is no longer a need for this ELUC as an institutional control; until the IEPA, upon written request, issues a new No Further Remediation determination approving modification or removal of the limitation(s) or requirement(s); and until a release or modification of the land use limitation or requirement is filed on the chain of title for the Property.

Section Five. Information regarding the remediation performed on the Property may be obtained from the IEPA through a request under the Freedom of Information Act (5 ILCS 140) and rules promulgated thereunder by providing the IEPA with the site identification numbers listed above.

Section Six. The effective date of this ELUC shall be the date that it is officially recorded in the chain of title for the Property to which the ELUC applies.

WITNESS the following signature:

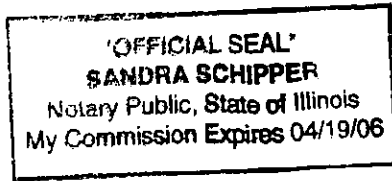
GENERAL ELECTRIC COMPANY

By: *Kevin Schuster*

Its: *Plant Manager*

Date: *11-19-04*

STATE OF Illinois,
COUNTY OF Whiteside



I, Sandra Schipper, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Kevin Schlueter, as Plant Manager, of General Electric Company, a Connecticut Corporation personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Plant Manager of said corporation, appeared before me this day in person and acknowledged that he/she signed and delivered the said instrument as his/her own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 3rd day of November, 2004.

Sandra Schipper
Notary Public

PIN NOS. 08-13-227-003 and 09-18-151-001
(Parcel Index Numbers)

Exhibit A

The subject property is located in the City of Morrison, Whiteside County, State of Illinois, commonly known as a portion of 709 West Wall Street, Morrison, Illinois and more particularly described as:

A 53-FOOT WIDE PARCEL OF LAND IN PART OF BLOCK 1 IN MANUFACTURER'S ADDITION TO THE CITY OF MORRISON IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18. TOWNSHIP TWENTY-ONE NORTH, RANGE 5 EAST OF THE FOURTH PRINCIPAL MERIDIAN RECORDED AUGUST 1, 1893 IN VOLUME 5 OF PLATS, PAGE 37, AND ALSO IN PART OF BLOCK 1 IN SUMMIT STOVE WORKS ADDITION OF THE CITY OF MORRISON IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP TWENTY-ONE NORTH, RANGE 4 EAST OF THE FOURTH PRINCIPAL MERIDIAN RECORDED APRIL 24, 1914 IN VOLUME 7 OF PLATS, PAGE 4. SAID 53-FOOT WIDE STRIP LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE AFORESAID BLOCK 1 OF SUMMIT STOVE WORKS ADDITION TO THE CITY OF MORRISON: THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID BLOCK 1, A DISTANCE OF 61 FEET FOR A POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE TO THE NORTHERLY LINE OF SAID BLOCK 1 IN MANUFACTURER'S ADDITION TO THE CITY OF MORRISON FOR A POINT TERMINUS. SAID STRIP OF LAND SHALL EXTEND NORTHERLY TO BUT NOT BEYOND THE NORTHERLY LINE OF BLOCK 1 IN SAID MANUFACTURER'S ADDITION AND SHALL EXTEND SOUTHERLY TO BUT NOT BEYOND THE SOUTHERLY LINE OF SAID BLOCK 1 OF SUMMIT STOVE WORKS ADDITION, AND ALSO INCLUDING THAT PORTION OF THE NORTHERLY 5 FEET OF WALL STREET (CURRENTLY VACATED) AS ORIGINALLY ESTABLISHED BY SAID SUMMIT STOVE WORKS ADDITION ADJOINING SAID 53-FOOT WIDE STRIP, ALL IN WHITESIDE COUNTY, ILLINOIS.

Exhibit B

IN ACCORDANCE WITH SECTION 742.1010(D)(8)(A)-(D), SEE THE FOLLOWING ATTACHED SCALED MAPS:

- (B-1) Legal boundary of the Property to which the ELUC applies.**
- (B-2) Horizontal and vertical extent of the contaminants of concern above the applicable remediation objectives.**
- (B-3) Location and extent of engineered barriers within the boundary of the Property to which the ELUC applies.**
- (B-4) Nature and location of the source of the contaminants of concern, and the direction of underlying groundwater flow**

DRAWING NUMBER
97-008-B25

N

BOUNDARY FOR ELUC

LIMITS OF DRUM
STORAGE AREA

C & N R.R.

RAILROAD RIGHT-OF-WAY

BUILDING No. 6

BUILDING No. 14

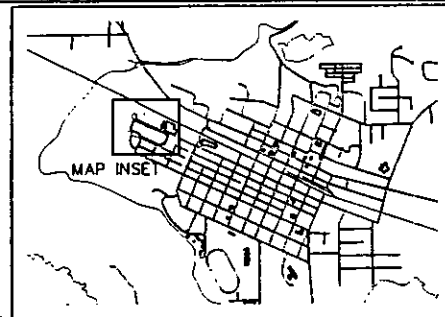
BUILDING No. 15

ASPHALT PARKING LOT

WALL STREET

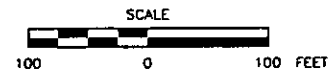
LARCH STREET

MORRIS STREET



LEGEND:

- RAILROAD
- FENCE LINE



SITE PLAN
DRUM STORAGE AREA
MORRISON, ILLINOIS

PREPARED FOR
GENERAL ELECTRIC COMPANY

HEC
Harrington Engineering & Construction, Inc.
1500 Broadway, Suite 7
Charleston, Indiana 46304
Phone (219) 938-8888 • Fax (219) 938-8448

DATE: 03-12-04
SCALE: AS SHOWN
EXHIBIT B-1
DRAWING NUMBER
97-008-B25

No.	DATE	ISSUE / REVISION	OWN. BY	CHK'D BY	APP'D BY

REFERENCES:
- CANONIE ENVIRONMENTAL SERVICES CORP.
DRAWING No. 88-159-B80

[illegible]

WEST LINE OF THE
NW1/4 OF THE NW1/4
OF SEC 13, T21N, R4E
OF THE 3RD PM

- POINT OF TERMINUS

C&NW Rwy
(UPRR)

SCALE: 1" = 100'

BLOCK 1
SUMMIT STOVE ADDITION
TO MORRISON

PARCEL ID
09-18-151-001

BLOCK 1

-MFR'S ADDITION TO MORRISON

PARCEL ID
08-13-227-003

BLOC #6

POINT OF COMMENCING

POINT OF BEGINNING

5' VACATED
WALL STREET

WALL ST

SOUTH LINE OF THE
NE1/4 OF THE NE1/4
OF SEC 13, T21N, R4E
OF THE 3RD PM

WILLOW ST.
(VACATED)



A 53-FOOT WIDE PARCEL OF LAND IN PART OF BLOCK 1 IN MANUFACTURER'S ADDITION TO THE CITY OF MORRISON IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP TWENTY-ONE NORTH, RANGE 5 EAST OF THE FOURTH PRINCIPAL MERIDIAN RECORDED AUGUST 1, 1893 IN VOLUME 5 OF PLATS, PAGE 37, AND ALSO IN PART OF BLOCK 1 IN SUMMIT STOVE WORKS ADDITION OF THE CITY OF MORRISON IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP TWENTY-ONE NORTH, RANGE 4 EAST OF THE FOURTH PRINCIPAL MERIDIAN RECORDED APRIL 24, 1914 IN VOLUME 7 OF PLATS, PAGE 4. SAID 53-FOOT WIDE STRIP LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

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SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS

COUNTY OF DUPAGE

55

THIS IS TO CERTIFY THAT THIS EXHIBIT AND PARCEL DESCRIPTION WERE PREPARED UNDER THE DIRECTION OF MICHAEL D. BYTNER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR FROM EXISTING PLATS AND DEED RECORDS. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS THIS 25TH DAY OF AUGUST,
A.D. 2004.

BY:

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3326

WEAVER BOOS CONSULTANTS, INC. DESIGN FIRM #184002893

ALL PROFESSIONAL LAND SURVEYOR LICENSES EXPIRE NOVEMBER 30, 2004

NOTE: THIS IS NOT A BOUNDARY SURVEY. THIS EXHIBIT DOES NOT PURPORT TO SHOW ACTUAL PROPERTY LINES. THIS EXHIBIT AND PARCEL DESCRIPTION HAVE BEEN CONSTRUCTED BASED ON EXISTING DEEDS AND PLATS OF RECORD AND NOT TO ENOUGH PHYSICAL FIELD EVIDENCE TO PROVE OWNERSHIP LIMITS.

DATE: 8/25/2004	DRAWN BY: CPH
FILE: 1437/300/DWG	DESIGN BY: CPH
	REVIEWED BY: MDS

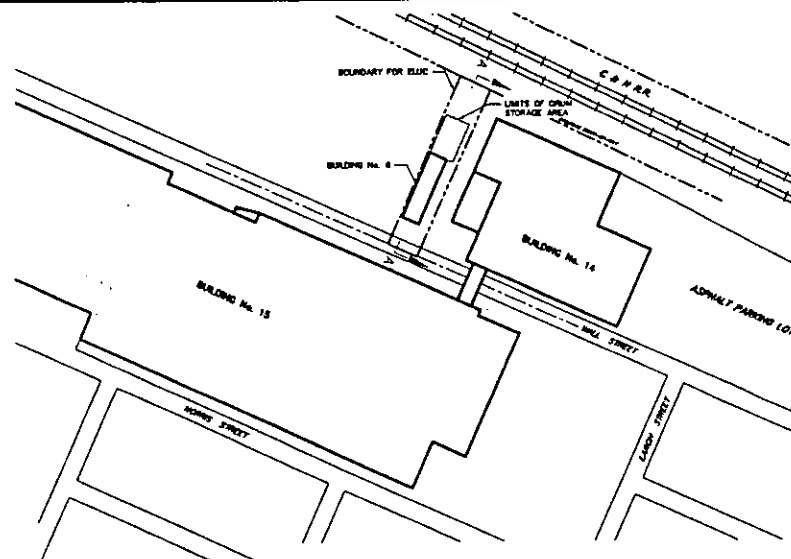
ELUC EXHIBIT
MORRISON, ILLINOIS

WEAVER BOOS CONSULTANTS, INC.

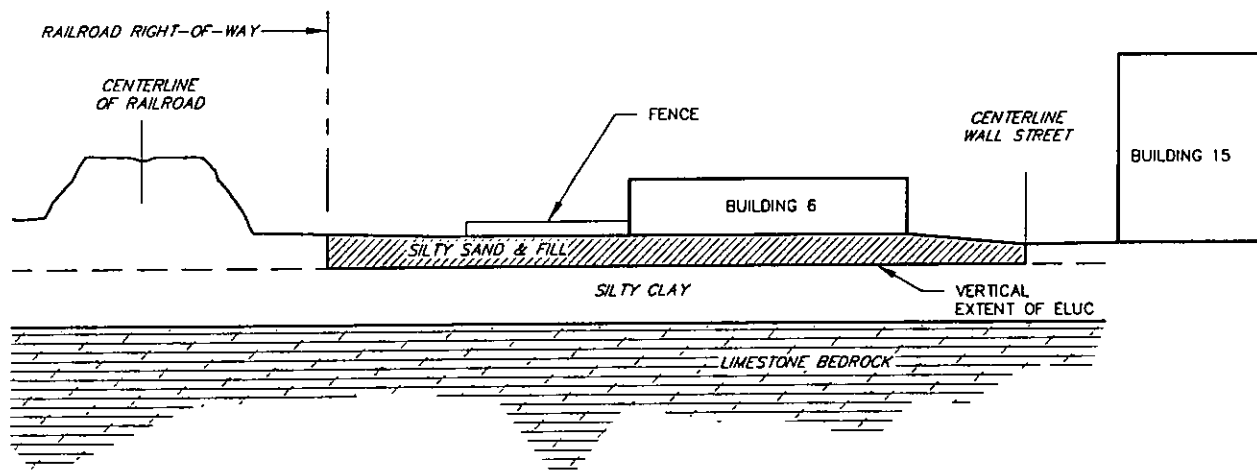
1901 BUTTERFIELD ROAD DOWNERS GROVE, IL
(630) 968-7777

SHEET 1 OF 1

DRAWING 97-008-B26
NUMBER



PLAN VIEW



SECTION A-A'

LEGEND:

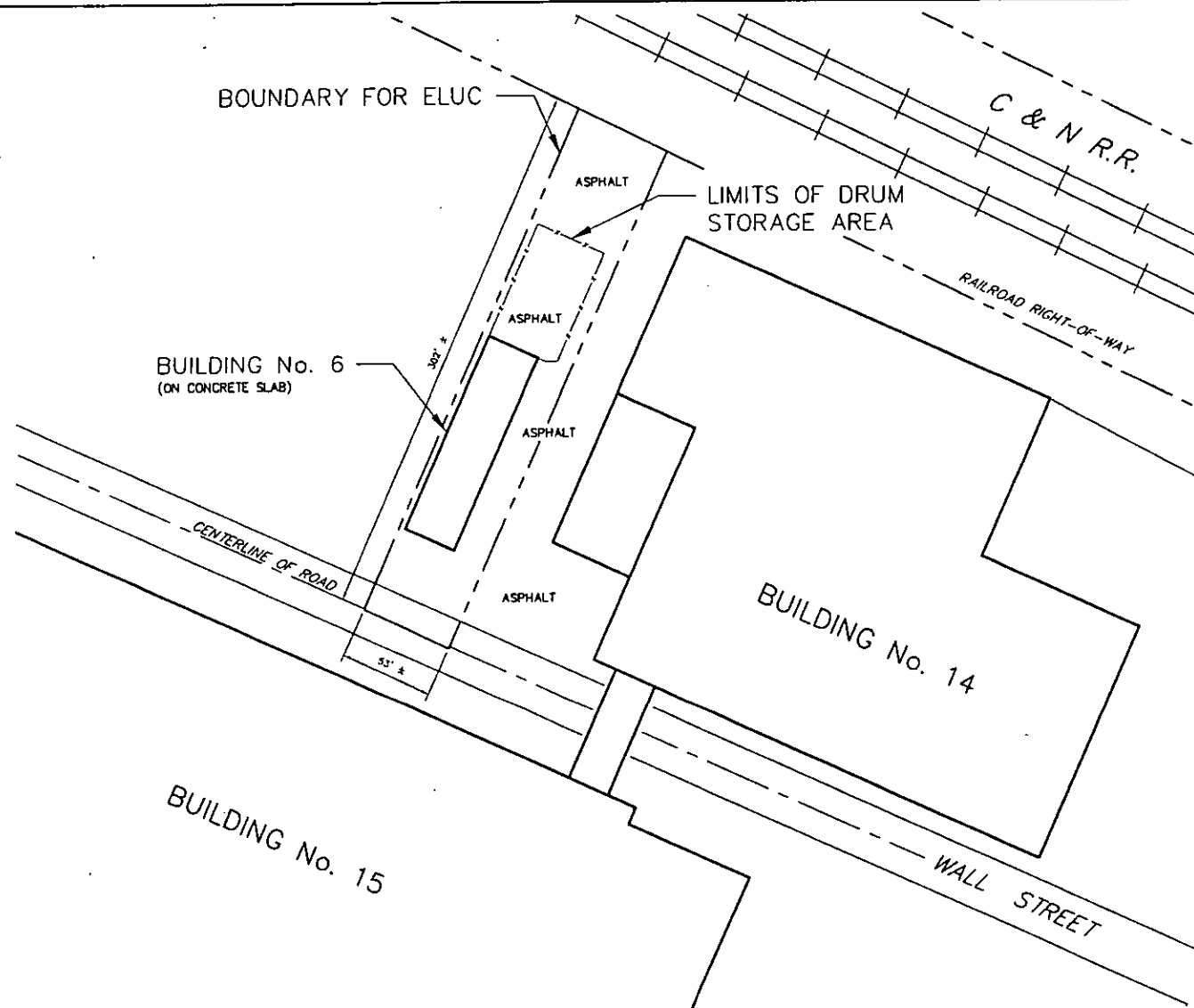
- RAILROAD
- FENCE LINE

HORIZONTAL AND VERTICAL
EXTENT OF CONTAMINANTS OF CONCERN
DRUM STORAGE AREA
MORRISON, ILLINOIS
PREPARED FOR
GENERAL ELECTRIC COMPANY

		<small>1900 Broadway, Suite 1 Cedar Rapids, Illinois 52404 78000 (319) 395-0000 • Fax (319) 395-0444</small>	
		Harrington Engineering & Construction, Inc.	
DATE: 03-12-04	EXHIBIT B-2		DRAWING NUMBER 97-008-B26
SCALE: N.T.S.			

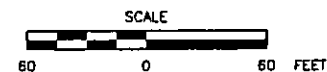
No.	DATE	ISSUE / REVISION	DRN. BY	CHK'D BY	APP'D BY

DRAWING
NUMBER
97-008-827



LEGEND:

- RAILROAD
- FENCE LINE



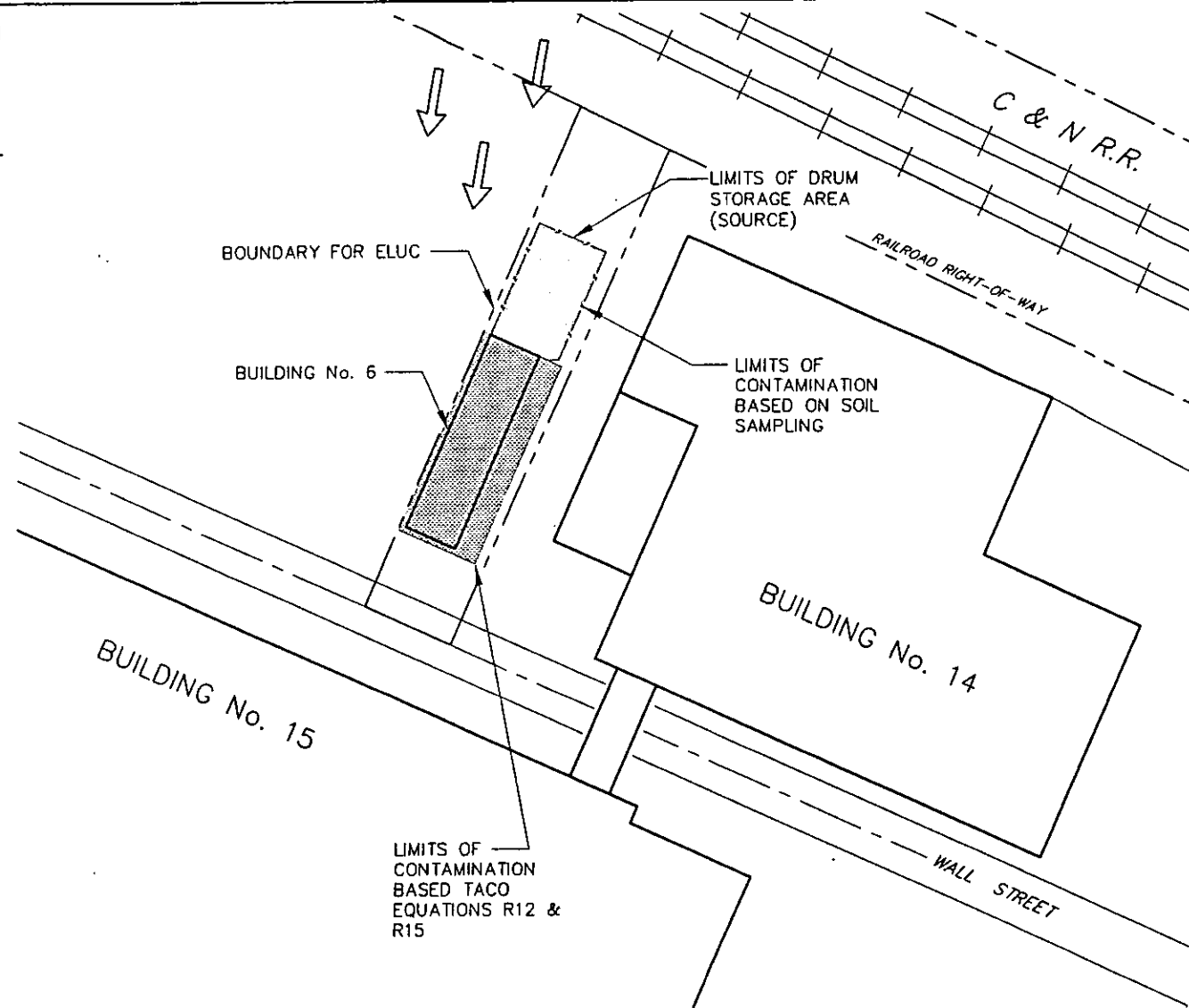
ENGINEERED BARRIERS
DRUM STORAGE AREA
MORRISON, ILLINOIS
PREPARED FOR
GENERAL ELECTRIC COMPANY

	<small>1800 Broadway, Suite 1 Champaign, Illinois 61820 Phone (312) 998-0000 • Fax (312) 998-0440</small>	
	Harrington Engineering & Construction, Inc.	
	DATE: 03-12-04 SCALE: AS SHOWN	EXHIBIT B-3 DRAWING NUMBER 97-008-827

No.	DATE	ISSUE / REVISION	OWN. BY	CHECK'D BY	APP'D BY

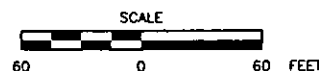
REFERENCES:
- CANONIE ENVIRONMENTAL SERVICES CORP.
DRAWING No. 88-159-880

DRAWING
NUMBER 97-008-B28



LEGEND:

- RAILROAD
- FENCE LINE
- DIRECTION OF GROUND WATER FLOW



GROUND WATER FLOW DIRECTION
DRUM STORAGE AREA
MORRISON, ILLINOIS
PREPARED FOR
GENERAL ELECTRIC COMPANY

HEC		1800 Broadway, Suite 3 Channahon, Illinois 60018 Phone (815) 466-0000 - Fax (815) 466-0000	
Harrington Engineering & Construction, Inc.			
DATE: 03-12-04	EXHIBIT B-4		DRAWING NUMBER: 97-008-B28
SCALE: AS SHOWN			

No.	DATE	ISSUE / REVISION	OWN. BY/CHKD BY/APP'D BY

REFERENCES:
- CANONIC ENVIRONMENTAL SERVICES CORP.
DRAWING No. 85-159-880

Superfund Memorandum of Agreement

Between The

Illinois Environmental Protection Agency, State of Illinois

And The

United States Environmental Protection Agency, Region V
in Implementing the Superfund
Program in Illinois

=

Forward

The IEPA hazardous substance cleanup program has been in operation since 1984. There are currently 37 listed National Priorities List (NPL) Superfund sites in Illinois. The State Remedial Action Priorities List (SRAPL) names 33 sites for state funded remedial action. In addition, the IEPA has conducted cleanups classified as "immediate removals" and privately funded cleanups subject to Agency oversight and approval.

IEPA is a strong proponent of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) program. IEPA's substantial participation in CERCLA/ASTSWMO work groups is designed to streamline and improve the Superfund program. The February 1990 revisions to the National Contingency Plan (NCP) envision a larger and more substantial role for states in the CERCLA Program. The revised NCP enables the United States Environmental Protection Agency (USEPA) to authorize eligible States to manage large segments of the CERCLA Program. IEPA intends to increase its participation in the program and to take as comprehensive a role in the Superfund Program as the NCP allows. This Superfund Memorandum of Agreement (SMOA) was written to clarify the current good working relationship between IEPA and USEPA and to form a baseline for further defining roles and responsibilities of the agencies to reduce current inefficiencies in program implementation and improve the quality of the processes used.

SMOA - Table of Contents

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 - E. Dispute Resolution
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 - B. Remedial Investigation/Feasibility Study (RI/FS)
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 - D. Remedial Design (RD)
 - E. Remedial Action (RA)
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 - C. NPL Deletion
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 - B. SCAP Negotiations
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- VIII. Community Relations and Technical Assistance Grants
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I. AGREEMENT OVERVIEW

PROGRAM BACKGROUND

- A. Since the end of World War II, man-made compounds and chemicals have been an increasingly prevalent part of American life; life as we know and enjoy it today would be impossible without these ubiquitous substances.

For more than 40 years, we have used and thrown away potentially lethal products which can outlast their creators by decades or even centuries. Only since the late 1970s, when the Love Canal site in New York state was thrust into the nation's consciousness, has public attention been closely focused on what we do with these materials. We know now that out of sight may mean out of mind but it does not mean out of jeopardy.

In the decade since Love Canal, giant steps have been taken to identify problems, locate sites, rate them for risk and give them rankings for response priority. New corrective techniques have evolved, testing becomes ever more exact, research continues to give us a better idea of the proportions of the enormous problem.

In Illinois, development of mechanisms to deal with the evolving problem have paralleled efforts at the national level. The agenda was not surprising; in the early 1980's only New Jersey generates more hazardous wastes than Illinois.

The Illinois Environmental Protection Agency (IEPA) is a vigorous proponent of alternative treatment technologies such as mobile incineration and use of low temperature thermal treatment as an alternative to landfill disposal of hazardous and toxic wastes. There are currently two mobile incineration projects which have been completed in the state, with a third incinerator project in operation in LaSalle and a fourth in operation in Chicago.

B. Parties to Agreement/Regulatory Authority

This Superfund Memorandum of Agreement (SMOA) is entered into between the U.S. Environmental Protection Agency (USEPA), Region V and the Illinois Environmental Protection Agency (IEPA) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and proposed Subpart F Section 300.505 of the National Contingency Plan (NCP).

Signature by both parties to this agreement confirms their mutual commitment to its content while recognizing that the SMOA is not a legally enforceable document. The parties further acknowledge that in order to make this a workable, usable agreement, it is necessary that all Agency staff involved in the Superfund process should be made aware of and understand its contents. The parties agree to interact frequently as issues arise, and that any modifications will be made by mutual consent for reasons such as changes in federal and state laws, regulations and policies or merely to render procedures clearer and/or simpler to understand and carry out. Nothing in the SMOA shall be construed to limit or modify authorities granted to either USEPA or IEPA. This agreement is intended to

benefit the State and USEPA. It neither expands nor abridges the rights of any party, including potentially responsible parties, not signatory to this Agreement. Nothing contained in this SMOA shall be construed, either expressly or by implication, to make USEPA or the State the other's agent. The provisions of this SMOA should be followed in the development of site-specific agreements. However, if at any time a conflict arises between the language of this SMOA and the language contained in a Cooperative Agreement (CA), Superfund State Contract (SSC) or enforcement agreement/order, the CA, SSC or agreement/order language will be controlling. If any conflict arises between the SMOA and 40 CFR Part 35 or the NCP, Part 35 and the NCP are controlling.

C. Purpose

The purpose of this SMOA is to delineate the respective roles and responsibilities of the IEPA, Division of Land Pollution Control ("IEPA") and ("DLPC") USEPA, Region V, Office of Superfund ("USEPA-OSF") in carrying out the Superfund program in Illinois in a manner that best protects public health and the environment, reduces inefficiencies in implementation and improves the qualities of the process used. Specifically the SMOA addresses:

1. Establishment of operating procedures for general Superfund program coordination and communication between USEPA and IEPA.
2. Development of a procedure to designate "lead agency" and "support agency" roles for all Superfund activities including federal facilities oversight.
3. Establishment of a planning process to make optimal use of the resources of each party and to avoid conflicts and duplication of effort in conducting response and remedial activities.
4. Outlining of a schedule for the timely review of technical deliverables, reports, studies and pertinent documents by both parties and equitable exchange of site information.
5. Assurance that all response and remedial activities conducted on sites are consistent with CERCLA and the NCP and all applicable or relevant and appropriate Federal, State and local laws and regulations.
6. Forming a baseline from which to improve the qualities of the process currently used by IEPA and USEPA.

D. Statement of Principles

The IEPA-DLPC and USEPA-OSF acknowledge that in order to make this a workable, usable agreement, it is necessary that all agency staff involved in the Superfund process should be made aware of and understand its contents. The agencies agree to interact frequently as issues arise, and that any modifications will be made by mutual consent for reasons such as changes in federal and state laws, regulations and policies or merely to render procedures clearer and/or simpler to understand and carry out. Nothing in this SMOA shall be construed to limit or modify authorities

granted to either USEPA or IEPA. This agreement is intended to benefit the State and USEPA. It neither expands nor abridges the rights of any party, including potentially responsible parties, not signatory to this Agreement. Nothing contained in this SMOA shall be construed, either expressly or by implication, to make USEPA or the State the other's agent. The provisions of this SMOA should be followed in the development of site-specific agreements. However, if at any time a conflict arises between the language of this SMOA and the language contained in a Cooperative Agreement (CA), Superfund State Contract (SSC) or enforcement agreement/order, the CA, SSC or agreement/order language will be controlling. The SMOA is not a legally enforceable document. Part 35 and the NCP are controlling.

II. SMOA -- GENERAL APPLICATION

A. Lead/Support Agency Designation

The terms "lead" and "support" agency in this Agreement refer to the responsibilities undertaken by the respective agencies through a Cooperative Agreement (CA), or Superfund State Contract, Administrative Consent Order or court order. These program activities will be formulated pursuant to Subpart F of the NCP.

The IEPA-DLPC and USEPA-OSF acknowledge that an appropriate distribution of workload will:

- Serve to expedite the rate and efficiency at which hazardous waste sites and incidences in Illinois are remediated.
- Eliminate or reduce the duplication of effort by USEPA and IEPA on each NPL project.

USEPA-OSF agrees, regardless of lead or support status, to coordinate its activities within USEPA and with all appropriate Federal agencies having environmental, public health, or natural resource enforcement responsibilities, including but not limited to the Department of Justice, Department of Interior and the Agency for Toxic Substances and Disease Registry (ATSDR). IEPA-DLPC agrees, regardless of lead or support status, to coordinate its activities within IEPA and with all appropriate State and local agencies having environmental, public health, or natural resource enforcement responsibilities, including but not limited to the Illinois Attorney General's office, Illinois Department of Public Health, and the three other Agencies besides IEPA that are the State Natural Resource trustees: the Department of Conservation (DOC), Department of Energy and Natural Resources (DENR) and Department of Transportation (DOT). In addition, IEPA-DLPC will attempt to coordinate Superfund activities with affected county and municipal governments, where appropriate.

1. Lead Agency - that agency, either USEPA Region V or IEPA, which has primary responsibility for managing and coordinating response, and/or remedial actions under CERCLA for a particular site. For USEPA, a Remedial Project Manager (RPM) will be designated to carry out the remedial clean up process as called for in the NCP at each NPL site. IEPA will similarly assign a State Project Manager (SPM) for each NPL site. The lead agency will manage all outside consultants/contractors and act as the primary contact for support agency input to all concerned parties.
2. Support Agency - that agency which evaluates and comments on the development of the Superfund project and all documents utilized in the decision-making process for work managed by the lead agency.
3. Lead Designations - Project lead designations will be mutually agreed upon by both agencies. Once the designations are agreed upon, confirmatory letters will be exchanged and WasteLAN/CERCLIS will be updated accordingly. This process should occur no later than 3 months after the PRP search is completed.

Changes in the lead agency designation may occur during the response/remedial process. If so, the agency requesting a redesignation should initiate a meeting so that a transfer of roles can be documented. A re-evaluation of the lead can occur at any time by mutual agreement, but should occur at the start of the RI/FS process and following the selection of the remedy or as mutually agreed.

B. SMOA Points of Contact (POC)

The IEPA and the USEPA Region V shall appoint the following individuals to serve as the overall SMOA Points of Contact (POC). For IEPA, the POC is the Deputy Division Manager, Division of Land Pollution Control and for USEPA, Region V, the POC is the Associate Director, Office of Superfund, Waste Management Division.

Serving in this capacity, these individuals will be responsible for ensuring that the SMOA is adhered to according to its contents and will act as coordinators for suggestions on changes in procedure and policy direction.

The Points of Contact may wish to delegate to subordinate staff some of the routine SMOA management responsibilities such as specific meeting scheduling, planning, coordination of cooperative agreements and other contacts.

The day to day communication on site specific technical issues will normally occur between the lead and support agency project managers. This communication shall occur by telephone and written correspondence as appropriate. The RPM and SPM will be assigned as early as possible, but no later than when a NPL site CA is applied for or site enforcement activities are initiated. At least one individual from each agency will be assigned to each site acting in a lead or support role.

C. SMOA Planning and Coordination

Communication and coordination are the key elements in maintaining the SMOA as a viable instrument for administering Superfund. Commitment to the SMOA by both IEPA-DLPC and USEPA-OSF will pave the way for greater efficiency in project management and ultimately lead to implementation of effective remedies.

The year shall begin with an annual planning meeting, to occur in the second quarter of the federal fiscal year while the Superfund Comprehensive Accomplishments Plan (SCAP) is still in draft form, to be co-chaired by the SMOA POC for each agency. The POCs should invite appropriate staff at all levels to join in this planning and review effort. Topics to be covered at this time may include: review of and projections for the SCAP, future and existing cooperative agreements and contracts, adequacy in past reporting, and discussion of any changes in policy or procedures. An agenda shall initially be prepared by the host agency and distributed prior to the meeting. This meeting will occur in a mutually convenient location.

For on-going program monitoring during the year, both staffs agree to meet periodically with their respective management to review issues. IEPA and USEPA management will be involved in an interagency meeting at least once a year. It may or may not be co-scheduled with the annual planning meeting. Suggested agenda items for this meeting could include overall program status, compliance with turnaround dates and problems or concerns regarding finance, contracting or procurement. Suggestions for changes to the SMOA will be considered at the annual meeting.

D. Site Specific Communication/Coordination

Site specific communication and resolution of technical problems will occur primarily through the IEPA and USEPA designated project managers. The main communications on cooperative agreement and contract issues will be between the USEPA Project Officer (PO) and the IEPA Project Officer (IPO). Both agencies should agree upon an effective system for compiling and maintaining Superfund data including a mutually agreeable system for determining project file custody.

Project managers from either IEPA or USEPA can arrange meetings as appropriate to work on project advancement, arrange site visits and resolve any project problems or issues. Direct lines of communications should be open and frequent between the two project managers and between the PO and IPO.

The support agency should not, however, directly contact the lead agency's consultant/contractor or the responsible parties unless prior approval is given, but rather should work through the lead agency project manager. In the case of administrative or judicial orders or agreements, the terms of such orders or agreements shall control the duties and actions of the parties. Staff working on these orders/agreements should, however, be consistent with the SMOA to the maximum extent practicable in role/responsibility assignments. The support agency should be copied on all appropriate correspondence between the lead agency and their consultant/contractor, as well as be given advance notice of and be invited to meetings with consultant/contractors, responsible parties (RPs) or the public during various phases of the project.

E. Dispute Resolution

In the event of disputes between USEPA and IEPA concerning the implementation of any procedures specified in this SMOA, the RPM and SPM will attempt to resolve such disputes promptly. If disputes cannot be resolved at this level within 7 work days, the problem will be referred to the supervisors of these persons for further USEPA/IEPA consultation. Respective agency management chains are listed in the table below. This supervisory referral and resolution process will continue, if necessary, to the level of Director of IEPA and the Regional Administrator, USEPA, Region V. If agreement still cannot be reached, the dispute will jointly be referred to the Assistant Administrator for Solid Waste and Emergency Response of USEPA for a final determination. This dispute resolution process may be used for site specific issues, to the extent it does not conflict with the dispute resolution process specified in a legally binding document controlling CERCLA activities at a particular site.

USEPA/IEPA Management Chain

<u>USEPA</u>	<u>IEPA</u>
IL/IN. Unit Managers	FSMU Sub-Unit Manager
IL/IN. Section Manager	FSMU Unit Manager
Branch Chief	RPMS Section Manager
Associate Director-Superfund	Deputy LPC Division Manager
Director - WMD	LPC Division Manager
Regional Administrator	Director

F. SMOA Improvements

IEPA-DLPC and USEPA-OSF shall each designate a team including project managers and unit or senior level managers for purposes of reviewing the roles and responsibilities of IEPA-DLPC and USEPA-OSF under this SMOA and as actually practiced and for purposes of recommending improvements in those roles and responsibilities and this SMOA. The IEPA-DLPC and USEPA-OSF teams shall meet together as a working team with the goal of clarifying roles and responsibilities to reduce inefficiencies and improve the quality of the processes used.

III. SMOA SITE- AND PHASE-SPECIFIC APPLICATIONS

A. Pre-Remedial Preliminary Assessment/ Site Investigation (PA/SI), NPL Listing process, and CERCLA Information System (CERCLIS)

1. At the annual planning meeting, IEPA-DLPC and USEPA-OSF will determine and mutually agree upon the number of PA/SI completions utilizing state resources. This effort should occur prior to Region V's receipt of SCAP targets from headquarters.
2. Funding for PA/SI activities will be provided by USEPA to the State through preparation of a Cooperative Agreement by IEPA.
3. Prior to submitting the Multi-Site Cooperative Agreement (MSCA) to USEPA, IEPA will send a letter out for Intergovernmental Review. It will extract from the MSCA, the number of PAs and SIs, the total estimated costs and a description of the activities involved. Timing on the MSCA will follow the procedure in IX (Cooperative Agreements and Contract Management General Policy).
4. The IEPA will perform the appropriate number of PA/SIs according to the Scope of Work (SOW) described in the MSCA under the auspices of CERCLA and the NCP.
5. IEPA will provide USEPA with the:
 - a. Itemization of object class expenditures by each activity in the SOW;
 - b. Dispositions of sites where an activity has been completed;
 - c. Personnel hours spent at each site per PA and SI; and
 - d. Identification of new sites or changes in the list of sites designed for PAs or SIs in the original MSCA application.
6. IEPA further commits to meet the quarterly reporting requirements of EPA's Preliminary Assessment and Site Inspection State Cooperative Agreement Guidance.

IEPA will designate the names of the sites to be inspected, either in the quarterly reports or by letter to USEPA, prior to conducting the site inspections. IEPA may also find it necessary, after the MSCA is issued, to change the sites designated for work under the MSCA. IEPA agrees to provide USEPA with the names of new sites, before any site work is performed, either in the quarterly reports or by separate letter.

7. The USEPA/Field Investigation Team (FIT) and IEPA will meet annually to assure consistency in PA/SIs and reporting requirements in order to avoid duplication of efforts.

8. IEPA Cooperative Agreement Requirements

Quarterly Reports

IEPA will submit quarterly reports to USEPA in accordance with Section 6 (above) or PA/SI State Cooperative Agreement Guidance. These quarterly reports will be submitted to the Region on January 30, April 30, July 30 and October 30.

For any PA/SI deliverables ultimately requiring support agency review and approval, the lead agency will commit to addressing all support agency comments in writing and will incorporate all requirements established by the support agency resulting from a response to draft deliverables. Disputes would be resolved prior to the lead agency proceeding to the next project step according to the Dispute Resolution section of this document.

9. Sample Splits and Analyses

In accordance with CERCLA Section 104(e), IEPA and USEPA employees, officers or representatives will provide the owner, operator, or individual in charge of a site the opportunity to receive 1) a split of each sample collected on that particular site 2) a receipt describing the samples collected, and 3) a copy of validated analytical results as they are received.

10. Addition of New Sites

IEPA will notify USEPA, in the quarterly report or by separate letter, of any changes or additions of sites to the list of sites presented in the MSCA application for performance of PAs and SIs.

11. Joint PA/SI Effort

IEPA and USEPA agree to work together to ensure that sites requiring PAs and SIs are addressed as expeditiously as possible. If IEPA falls behind in its accomplishments as established under the Cooperative Agreement, USEPA, in consultation with IEPA, may initiate PAs and SIs at IEPA lead sites to assist IEPA in accomplishing the PAs and SIs.

12. New Site Discovery

IEPA will recommend new sites to be added to USEPA WasteLAN/ CERCLIS, using the standard USEPA format.

13. NPL - IEPA will present recommendations to USEPA prior to each update of the NPL, of which sites should be considered for placement on the NPL. At that time, those recommendations and USEPA's position should be discussed and a mutual decision on final NPL sites be determined. The nomination of selected sites should be recorded in the meeting minutes.

IEPA should be formally notified in writing of the final USEPA nominations for NPL listing prior to public comment.

B. Remedial Investigation/Feasibility Study

1. RI/FS Overview

USEPA-OSF and IEPA-DLPC agree that the proper performance of the RI/FS activities at an NPL site is critical to characterize the site's problems and develop the necessary remedial action alternatives. The goal of RI/FS activities is to provide sufficient information to support remedy selection through the Record of Decision (ROD) process. The agencies, therefore, commit to expediting the RI/FS process whether the RI/FS is under State or Federal lead and to collecting only the appropriate amount of data required for proper identification of the problem and remedy selection.

Each party commits to ensuring that the RI/FS activities are performed and completed within a continuous, scheduled period of time (subject to budget constraints outside of the parties' control). These efforts will typically involve: reviews and comments on project deliverables; attendance at progress, technical review, and community relations meetings; site visits; general project correspondence and generation of project files; tracking project funds and schedules; and performing contract administration.

2. RI/FS Tasks

The parties agree that certain basic RI/FS tasks will be accomplished and documented for review and approval by both agencies in accordance with the USEPA/IEPA RI/FS Document Review Table found elsewhere in this SMOA. All RI/FS activities will be conducted in accordance with USEPA guidance documents. Approved documents will be placed promptly in the Public Repository and Administrative Record by the lead agency. For a RP-conducted RI/FS, the lead agency will take the lead role in coordinating the oversight of development of site-specific documents. The basic tasks required for the lead agency to complete the fund-financed and enforcement RI/FS effort under the Superfund program are:

- a. Development of RI/FS Work Plans; Sampling Plan (SP), Health and Safety Plan (HSP), Quality Assurance Project Plan (QAPP), Community Relations Plan (CRP);
- b. Establishment of one or more public repositories as RI/FS Work Plans are finalized;
- c. Development of Preliminary Site characterizations summaries;
- d. Development of the draft and final RI Report, including the Risk/Endangerment Assessment;
- e. Development of the Alternatives Array Document for determination of site ARARs;

- f. Development of Draft FS Report (Alternative screening and development);
- g. Maintain the Administrative Record;
- h. Development of Treatability Study Reports;
- i. Development of the Public Comment FS Report; and
- j. RI Public Meeting (in most cases) and Proposed Plan Public Hearing

Permit acquisition may be necessary for the implementation of proposed activities. Acquisition of necessary permits or facilitating compliance with substantive requirements if a permit is not issued for an on-site activity will be coordinated by whichever agency has most appropriate jurisdiction. The support agency shall assist the lead agency in its permit acquisition activities and be copied when the permits are acquired.

The incorporation of Applicable or Relevant and Appropriate Requirements (ARARs) will be as described in the Superfund Amendments and Reauthorization Act (SARA) and associated guidance and regulations into the remediation process by either the lead or support agency. Both the lead and support agencies will exchange and discuss their proposed ARARs at as early a point in the RI/FS process as possible. As the RI progresses, both agencies will identify and exchange their location-specific ARARs during the early scoping stage of the RI. Chemical-specific ARARs should be identified and exchanged during Phase I of the RI to the maximum extent possible. Finally, the action-specific ARARs should be identified and shared during the development of alternatives prior to their finalization in the FS.

3. Document Review/Comment/Approval

Each lead agency project manager should be aware of the number of copies of each deliverable required by the support agency project manager for review and make every effort to provide such to expedite that review. For any deliverables requiring support agency review and comment, the lead agency will commit to addressing all support agency comments by written correspondence, by indicating those comments which will be incorporated into the RI/FS deliverable and providing an explanation for each comment not incorporated. The review and comment process must be adequately documented for both agencies' files in writing. If time constraints warrant, deliverable review comments may be conveyed verbally, or in hand-written form. These comments must be followed immediately by the same formal typed, signed/dated version transmitted to the respective project manager.

USEPA-OSF and IEPA-DLPC commit to conducting joint reviews on a timely basis, with a clear understanding that the maximum review and comment time periods from receipt of a RI/FS deliverable to return to the lead agency will be in accordance with the following table:

USEPA/IEPA
RI/FS DOCUMENT REVIEWS
USEPA Role

Document	Maximum Review Time (Calendar Days)	USEPA Role		IEPA Role	
		State-Lead Fund Project(s) (State recommends approvals)	State-Lead Enforcement Project (2-Party) Project (PS) (No Federal Oversight Funding)	USEPA-Lead Fund Project (F)	USEPA Lead (Three-Party) Enforcement Project (USEPA oversight-"RP") (State oversight-"SE")
1. RI/FS Workplan (incl. CRP, HSP, SP - (excl. QAPP) Draft Final	30 14	Comment Approval	Comment Comment	Comment Comment	Comment Joint Approval"
2. QAPP 1st Draft 2nd Draft Final	30 21 14	Comment Comment Approval	— — File	— — File	Comment Comment Joint Approval"
3. Draft Health Assessment	21	Comment	Comment	Comment	Comment
4. RI Technical Memorandum	21	Comment	File	Comment	Comment
5. RI Report Draft Final	30 14	Comment Approval	Comment Comment	Comment Comment	Comment Joint Approval"

USEPA/IEPA
RI/FS DOCUMENT REVIEWS

USEPA Role

IEPA Role

Document	Maximum Review Time (Calendar Days)	State-Lead Fund Project(s) (State recommends approvals)	State-Lead Enforcement Project (2-Party) Project (PS) (No Federal Oversight Funding)	USEPA-Lead Fund Project (F)	USEPA Lead (Three-Party) Enforcement Project (USEPA oversight-"RP") (State oversight-"SE")
6. Alternatives Array (ARARs Solicitation)	30	Provide Federal ARARs to State	Provide Federal ARARs to State	Provide State ARARs to USEPA	Provide State ARARs to USEPA (RP) or Receive Federal ARARs from USEPA (SE)
7. Treatability Study Workplan	—	—	—	—	—
Draft	30	Comment	—	Comment	Comment
Final	14	Approval	File	Comment	Joint Approval*
8. FS Report	—	—	—	—	—
Draft	30	Comment	Comment	Comment	Comment
Final	14	Approval	Comment	Comment	Joint Approval*
9. Draft Proposed Plan	30	Comment	Comment	Comment	Comment
9a. Draft ROD	30	Comment	Comment	Comment	Comment
10. Final Proposed Plan	7	Approval			
10a. Final ROD (incl. Resp. Summary)	14	Approval/Issuance	Concur/Non-Concur	Concur/Non-Concur	Concur/Non-Concur

USEPA-OSF/IEPA-DLPC RI/FS DOCUMENT REVIEW TABLE

The purposes of the preceding table are to 1) define the USEPA-OSF and IEPA-DLPC roles relative to the handling of RI/FS documents, for each of the four categories of RI/FS projects, and 2) define the maximum amount of time either USEPA-OSF or IEPA-DLPC has to complete its comment, approval or concurrence/nonconcurrence role for each document.

Column 1 lists all documents generated during a typical RI/FS.

Column 2 defines the maximum "review" time allowed each party for each listed document.

Column 3 defines the USEPA "support agency" role, document by document, for State-lead fund-financed projects. These are sites where IEPA is the recipient of a cooperative agreement to conduct a complete RI/FS, using its own contractor. The typical initial cooperative agreement amount is \$500K-\$750K. Due to USEPA's substantial financial involvement in these projects, USEPA retains an approval role for key documents as defined in the RI/FS review table.

Column 4 defines USEPA's role, document by document, for State-lead enforcement projects. These are sites where IEPA commits to entering into RI/FS negotiations with PRP's in order to reach settlement regarding PRP implementation of the RI/FS. The jurisdictional bases of a RI/FS or RD/RA settlement agreement is not addressed by this SMOA. This issue is hereby reserved, and will be addressed in the appropriate site-specific document or cooperative agreement. Pursuant to the terms of a \$15K-\$20K cooperative agreement with USEPA, IEPA commits to negotiating with the PRPs for a period of 120 days, based on USEPA model RI/FS consent agreement language. Though any settlement reached need not conform to USEPA bottom-line policy positions, USEPA must be convinced that, if properly enforced, the settlement will generate a complete RI/FS consistent with CERCLA in a reasonable period of time. Key provisions (penalties, force majeure, etc.) must be effective in ensuring the project is completed in a timely fashion, and key USEPA guidance documents must be referenced throughout to ensure quality work. RI/FS oversight costs to be incurred by IEPA cannot be borne in any way by USEPA. USEPA will not be a party to these agreements. If IEPA is unsuccessful in negotiating a settlement, the site is reevaluated for other possible enforcement action, or fund-financing. The purpose of State-lead enforcement projects is to expand the State's stake in the Superfund program, to conserve USEPA resources for other projects and to avoid duplication of effort during remedial activities.

Column 5 defines the IEPA "support agency" role, document by document, for USEPA-lead fund-financed projects. These are sites where USEPA conducts a complete RI/FS, using its own contractor.

USEPA pays for the IEPA's role through a cooperative agreement (typically \$20K-\$25K).

Column 6 defines IEPA's role, document by document, for USEPA-lead three-party enforcement projects. In such cases, USEPA is always the lead enforcement agency. IEPA may, through a cooperative agreement (typically \$200K+) or legal order, assume the technical lead oversight role, including hiring the oversight contractor.

Notes: -* "Joint Approvals" are in accordance with the dispute resolution clause contained in this document, the governing enforcement agreement, decree or order.

- State and Federal RPMs may negotiate shorter review times
- Documents 9 and 9a may be distributed simultaneously
- ATSDR independently issues final health assessments for all NPL sites
- Review times assume that enough copies of documents are provided to reviewing agency for full internal distribution.

C. Record of Decision (ROD)

The ROD is a decision document that identifies the selected remedial alternative and describes the rationale for the selection of that alternative. It is the responsibility of the lead agency, in consultation with the support agency, to write the proposed plan, responsiveness summary and the ROD; except when the site in question is a federal facility which has been delegated this responsibility. The responsibilities of federal facilities are discussed within the federal facility section of this document.

The key technical document used for the selection of the remedial alternative is the public comment FS report. Therefore, before the process of ROD development begins, there must be agreement between the lead and support agency that the FS is complete to the extent necessary for the lead agency to draft a proposed plan. Once this determination is made, the process for ROD development should be as follows:

1. The lead agency community relations coordinator, attorney and project manager will update the Administrative Record and transmit a copy to the support agency. The lead agency will update the public repository prior to the beginning of the public comment period. The lead agency will prepare the draft Proposed Plan. The support agency will review the draft Proposed Plan and provide comments to the lead agency in the agreed time frame. Meetings on the draft Proposed Plan may be necessary based on the complexity of site conditions and the remedy being proposed. The final proposed plan will be prepared and distributed by the lead agency.
2. The date, time and location of any public hearing will be published with appropriate notice in a major local newspaper near the site by the

lead agency. The Proposed Plan and public hearing details will be advertised in accordance with applicable federal and state requirements. A fact sheet will normally be prepared and distributed by the lead agency.

3. The lead agency community relations coordinator will schedule a public hearing approximately two weeks before the end of the FS/Proposed Plan public comment period.
4. Within two weeks after the close of the public comment period the lead agency project manager will prepare the draft ROD. The Responsiveness Summary will be drafted by the lead agency community relations coordinator and project manager within the same time frame.
5. The draft ROD and Responsiveness Summary will be transmitted by the lead Agency project manager, through the appropriate supervisory staff, to the support agency. This transmittal is to include a statement of the basis and purpose for the selected remedial alternative; an explanation of rationale for the decision; identification and rationale for any statutory requirements or preferences under SARA section 121(b) which are not met and an explanation of any significant differences between the ROD and the Proposed Plan.
6. The support agency will review the draft ROD and Responsiveness Summary and provide comments to the lead agency within the agreed time frame after receipt of these documents.
7. IEPA-OSF and USEPA-DLPC will hold a joint meeting immediately following the review period to discuss any significant comments on the draft ROD, if necessary. Decisions on modifications to the draft ROD should be finalized at this meeting. Each agency should invite the other to participate in their ROD briefings, as appropriate.
8. The lead agency will prepare a final Record of Decision and Responsiveness Summary based on the discussions of the ROD meeting described in C.7. above, assuming a meeting was necessary, within a one week period. (Senior management staff will be briefed on any significant changes from the draft documents.)
9. Copies of the final ROD will be promptly distributed to the support agency by the lead agency. Concurrently, the final ROD will be forwarded through the respective agency chains of command for signature. The support agency will provide a letter of concurrence or non-concurrence on the ROD, or sign a joint ROD, if appropriate.
10. The executed ROD will be promptly distributed to all parties and to the Public Repository and be entered into the Administrative Record and Notice of Availability will be published.
11. The format and content of all Proposed Plan/ROD documents will be prepared consistent with USEPA guidance.

D. Remedial Design (RD)

USEPA-OSF and IEPA-DLPC agree that an effective and responsible remedial design (RD) phase for NPL sites is our goal toward implementing the remedial action(s) (RAs) defined by a ROD. Remedial action/construction bid documents which are consistent with the ROD and enforcement agreements, as appropriate, are the desired product from the RD phase.

Joint efforts are necessary to ensure that the RD activities are performed and completed within a continuous, scheduled period of time regardless of which agency is lead (subject to budget constraints outside our control). These efforts will typically involve: reviews and comment on project deliverables; attendance at progress, technical review, and community relations meetings; site visits; general correspondence and telecommunications; maintaining project status reports and generation of project files; tracking project funds and schedules; and performing contract administration.

1. Design Tasks

The agencies agree that certain basic remedial design tasks will be accomplished and documented for review and approval by both agencies. They are:

- a. Pre-design planning (e.g. RD Work Plan, Health and Safety Plan, Community Relations Plan, Sampling and Testing Plan, Quality Assurance Project Plan, and Project Schedule);
- b. On-site and design investigation (e.g. environmental sampling and analysis, treatability studies, material properties testing and equipment performance tests);
- c. Maintain the Administrative Record;
- d. Preliminary designs at various percentages of completion (including: drawings, specifications, construction cost estimates, construction schedules, permits/approvals documentation, construction operation and maintenance and contingency plans); and
- e. Final design and bid packages (for fund-financed sites)

(Note: For RP-conducted RD, the lead agency will take the lead role in coordinating the oversight of the above tasks.)

2. Design Meetings

For fund-financed sites, IEPA-DLPC/USEPA-OSF site-specific "kick-off" and progress meetings will be arranged in accordance with the project schedule, between those agency personnel assigned to the project and others as needed for the topics to be discussed. These meetings will be held in the most convenient location for lead and support agencies and the design consultant.

The purpose of these meetings will be to discuss current contract requirements, project status, schedules, technical design criteria, deliverables and regulatory requirements. Those meetings will be held in conformance with assigned time periods for activities covered herein. For RP-conducted RD, the lead agency will schedule periodic progress meetings with the RP and the support agency.

3. Document Review/Comment/Approval

For any deliverable requiring support agency review and comment, the lead agency will commit to addressing all support agency comments by written correspondence, incorporating them or providing an appropriate explanation for each comment not incorporated into the design. The review and comment process must be documented by type-written signed and dated correspondence.

USEPA-OSF and IEPA-DLPC commit to conducting joint reviews of all documents on a timely basis. For RP-conducted RD, the review schedules will depend upon the terms of the governing settlement agreement or decree, or unilateral order.

4. Time Schedules

All deliverable Reviews, Comments and Approvals (R/C/A) will be assigned formal review times on a site-specific basis, but not to exceed 30 calendar days for draft documents and 14 calendar days for final documents for the following:

- a. Pre-design planning documents (reports, plans, schedules and maps for R/C/A);
- b. Monitoring, testing and design investigation documents (data reports and test results for R/C and plans and studies for R/C/A);
- c. Preliminary or interim design documents (reports, drawings and specifications for R/C);
- d. Preliminary bid package; and
- e. Pre-final design documents (reports, drawings and specification for R/C/A bid package for R/A)

E. Remedial Action (RA)

IEPA-DLPC and USEPA-OSF agree that an effective and responsible RA phase for NPL sites is the goal as defined by the ROD. The successful remediation of the site is the desired output from the RA phase.

Following completion and approval of the RD package, action must be taken to initiate RA activities. The type of agreement used to initiate the RA is dependent on the party that will implement the RA.

1. Federal Lead Remedial Action

To initiate the RA at a Federal lead site, the RPM works with the IEPA SPM to prepare and execute a State Superfund Contract (SSC).

Preparation of the SSC should commence during the RD phase of the project with SSC execution occurring at the completion of RD.

Once the SSC is executed, the USEPA will prepare and execute a site-specific RA Interagency Agreement (IAG) with the U.S Army Corps of Engineers (USACE) or initiate a work assignment with an Alternative Remedial Contracting Strategy (ARCS) contractor. The RPM should forward copies of the executed RA IAG or ARCS work assignment to IEPA SPM. Upon completion of procurement activities, the USACE or ARCS contractor will initiate RA activities. The RPM will maintain oversight of all RA activities with the IEPA SPM in a support capacity.

2. State Lead Remedial Action

A CA is needed to establish the contractual arrangements between USEPA and IEPA, whereby IEPA agrees to perform certain RA activities, and USEPA commits to a share of the allowable costs.

The SPM and the State Project Officer should work with their USEPA counterparts to prepare the CA.

3. Responsible Party Lead Remedial Action

Certain oversight details for a responsible party RA will be given in the site-specific enforcement CA if one is executed. Certain details of the oversight arrangement may also be outlined in the governing settlement agreement or decree, or unilateral order. Lead oversight responsibilities will generally continue to be assigned to the lead agency responsible for oversight/conduct of the RI/FS.

4. Monitoring and Oversight

Records and reports generated during these activities must be adequately documented and maintained since they will be used in the final certification of the completion of the RA. Monitoring and oversight of construction activities are discussed below, and pertain to fund-financed and responsible party RAs, except where noted.

5. Inspections

The responsibility for construction inspection is given to the lead agency for the RA and is summarized below.

<u>RA Lead</u>	<u>Inspection</u>	<u>Support Oversight</u>
Federal	USACE or USEPA Consultant	IEPA (or IEPA consultant)
State	IEPA or IEPA Consultant	USEPA (or USACE or USEPA consultant)
Responsible Party	Responsible Party or RP Consultant, and USEPA or IEPA and/or their consultants, depending on agency lead.	USEPA, IEPA or its designee depending on agency lead

Construction Inspector

During on-site construction activities at fund-financed RA sites the lead agency responsible for inspection will provide an on-site inspector, as appropriate. The purpose of the on-site inspector is to monitor the on-site compliance with the contract and to report such activities to the lead agency. The on-site inspector is responsible to the lead agency project manager. The lead agency project manager, with notification to the support agency project manager, shall be authorized to stop all activities not in compliance with the approved RA documents or which endanger the health and welfare of on-site personnel, or public, or the environment. For large sites or complex projects, additional on-site inspectors may be required, with a chief resident inspector being responsible for communications with the lead agency.

For a responsible party RA, construction oversight will be provided by the lead agency project manager or the lead agency's designee on an ongoing basis, as necessary and as allowed by the NCP. The document of settlement should specify the authority of the oversight personnel in regards to construction activities.

6. Compliance with Environmental Requirements

Inspections should verify compliance with all environmental requirements identified in the RD. These inspections shall include, but not be limited to, air quality and emissions monitoring record review, off-site waste disposal record review (e.g., RCRA transportation manifests), etc. The inspector also should ensure compliance with all site-specific health and safety procedures, permits or other requirements that have been established.

7. Compliance with other Contract Requirements

The lead agency inspector shall review all daily reports on construction activities to verify that all work is in compliance with all contract requirements and shall bring significant discrepancies to

the attention of the lead agency project manager immediately. The support agency project manager will, as necessary, assist in resolving discrepancies in consultation with the lead agency.

8. Review of Contractor Reports

The lead agency inspector shall review all reports (daily, weekly, and monthly, etc.) and initial each. All comments on these reports should be noted in the inspector's daily log and summaries sent to the lead agency project manager on a regular basis; with copies provided to the support agency project manager upon request.

9. Progress Reports

Detailed progress reports will be required throughout the duration of a project. The progress reports will be prepared by the lead agency and/or their consultant and transmitted to the support agency on a quarterly basis. Progress reports will also be required from the RPs during RP-conducted RA and should similarly be provided to both agencies.

The progress reports will be used by IEPA-DLPC and USEPA-OSF to monitor the remedial construction activities. The content of these reports will be sufficient to develop a chronological record of all site activities and shall include, but not be limited to, the following elements:

- . Estimates of the percentage of the project completed and the total projected cost to date (if applicable)
- . Summaries of the following items for the reporting period:
 - work performed on the site
 - community relations activities including community contacts, citizen concerns, and efforts to resolve any concerns
 - personnel changes
 - change orders and claims made on the contract
 - problems encountered or potential problems anticipated
- . Status of contingency fund to date (fund-financed RA only)
- . Projected work for the next reporting period
- . Copies of contractor daily reports, change orders, RCRA manifests, and laboratory/monitoring data summaries.

For State lead projects, IEPA is responsible for processing change orders and claims with assistance and guidance from USEPA, in accordance with 40 CFR 33.

IEPA has the authority to approve any change order up to \$50,000 if no overall increase in Federal funds is required. The IEPA project manager will obtain approval from the USEPA Project Officer for all significant changes in work scope. Any change order above \$50,000 requires review and RPM approval. The RPM must respond to requests for change order approvals within five (5) working days after receipt. In emergency situations, USEPA will respond within 24 hours. Before any change order may be approved, IEPA must conduct a cost or price analysis (see 40 CFR 35, Subpart O). For Federal lead projects, the USEPA RPM should seek concurrence from the State project manager for significant changes in the RA scope of work.

For responsible party lead projects, the lead agency for oversight will generally be responsible for initiating review and approval of changes in the RA scope of work in accordance with the terms of the site-specific document of settlement or unilateral order.

10. Remedial Action Completion and Acceptance

As the project nears completion, roles and responsibilities of IEPA, USEPA, agency consultants and where appropriate, the USACE or responsible parties, must be clearly defined in writing to ensure proper project completion, approval, and closeout.

11. Final Inspection

The final inspection will consist of a walk-through inspection of the project site by the lead and support agencies. The pre-final inspection report will be used as a checklist by the RPM and the SPM, with the inspection focusing on the outstanding construction items identified in the pre-final inspection. The contractor's demobilization activities should be completed, except for equipment and materials required to complete outstanding construction items at the time of inspection. The SPM and RPM will confirm that all outstanding items have been resolved. If any items are still unresolved, the inspection shall be considered as another pre-final inspection requiring an additional pre-final inspection report prior to final inspection.

12. Remedial Action Report

Upon satisfactory completion of the final inspection, a RA report will be prepared and distributed by the lead agency within a 45 calendar day period.

The RA final report will include:

- . A brief description of previously outstanding construction items from the pre-final inspection(s) and an explanation of how the items were resolved.
- . A synopsis of the work defined in the RD documents and certification by the lead agency that this work was performed.

- . An explanation and accurate documentation of any modifications to work in the ROD documents and why these were necessary for project construction.
- . Documentation that all final ROD documents and completed RA activities complied with the legal and technical requirements of the ROD and the governing enforcement documents.
- . Certification that the remedy is operational and functional.
- . Documentation necessary to support deletion of the site from the NPL, if appropriate.

For a responsible party RA, the document of settlement may specify different final inspection/certification conditions.

13. Acceptance of the Completed Project

The RA final report will be reviewed by the RPM for a State lead RA and by the SPM for a Federal lead RA within 30 calendar days of receipt. If the RPM and the SPM are satisfied that the remedy is complete and functional, the USEPA Regional Administrator and IEPA Director shall be notified through appropriate channels such that they can provide written notice to the appropriate party(ies) of the governments' acceptance of the completed project.

After acceptance of the completed RA by IEPA and USEPA, site closeout activities need to be conducted for fund-financed or responsible party projects.

F. Deletion of Site from NPL

Either agency may recommend deletion of a site from the NPL after completion of a RA if USEPA, in consultation with the IEPA, has determined that all appropriate response actions have been completed and that no further remediation is appropriate and O&M has been guaranteed for both fund lead and enforcement lead sites.

The following procedures will be initiated based on a joint-agency deletion recommendation:

- . Upon completion of all response activities at a NPL site, as required by the site-specific ROD, USEPA will prepare the draft Notice of Intent to delete the site from the NPL. The Notice of Intent shall be prepared in conformance with USEPA guidance documents.
- . USEPA will provide the draft Notice of Intent to IEPA for initial comment prior to submission to USEPA-HQ for review.
- . IEPA will comment on the intent to delete within 21 calendar days of receipt of the draft Notice of Intent. If any outstanding issues remain, a meeting of appropriate respective Agency staffs shall be held to attempt to resolve these issues in a timely manner.

- Upon resolution of these issues to the satisfaction of both USEPA and IEPA, IEPA shall concur with the intent to delete within 14 calendar days.
- USEPA shall take all necessary procedural actions for site deletion, upon IEPA concurrence.

G. Operation and Maintenance (O&M)

In most instances, there is a requirement for some degree of regular operation and maintenance activity associated with the completed RA.

The date certified in the RA final report that the project is complete and the remedy is operational and functional, is the date when O&M commences.

For fund lead projects, this is generally the date the State assumes full responsibility for O&M. In certain cases specifically allowed by the NCP, IEPA may either amend the existing CA or develop a new CA to cover extended RA. This CA should be processed as soon as reliable cost estimates for extended RA activities are available early in the RA phase. For responsible party projects, this is the date the responsible party assumes O&M responsibility under the terms of the document of settlement or unilateral order.

1. Operation and Maintenance Report

At the completion of O&M activities relating to fund financed RAs or for an agreed interim period, IEPA-DLPC shall prepare and submit to USEPA-OSF an O&M report. This report will include the following elements:

- Description of O&M activities performed.
- Results of site monitoring, indicating that the remedy is meeting or has met the performance criteria.
- Explanation of additional O&M (including monitoring) to be undertaken at the site.

For responsible party O&M, the document of settlement may specify different O&M conditions and reporting requirements.

2. O&M Report Format

Section 300.435 of the NCP requires that the State shall provide all future O&M of RAs at fund-financed sites for the expected life of such actions. State assurance for O&M shall be part of either the Cooperative Agreement or the State Superfund Contract covering the remedial action for fund lead projects.

Therefore, when a RA requires O&M, the State shall include as a task as part of either the Cooperative Agreement or the State Superfund Contract, the development of an O&M plan which should at least contain the following elements:

- a. Designation of the organization unit of the state government responsible for O&M;
- b. Identification of the availability of state funding mechanisms for O&M activities;
- c. Milestone dates for assuming O&M responsibility;
- d. Description and duration ~~of~~ O&M activities;
- e. Summary of O&M staffing needs;
- f. Summary of O&M performance standards;
- g. Contingency plan for handling abnormal occurrences;
- h. Safety requirements for O&M activities;
- i. Equipment and material requirements;
- j. Estimates of annual O&M costs; and
- k. Description of site use and disposition of facilities during and following completion of O&M.

In addition, for fund-financed projects, the RA subagreement under the Cooperative Agreement or State Superfund Contract must include a provision that the construction contractor is responsible for project O&M start-up and for certifying that the designed remedy is functional and operational. The State assumes full O&M responsibility both operationally and financially. USEPA may, in certain limited cases outlined in the NCP (§ 300.435(f)(3)) for up to ten years, provide assistance to the State for extended RA at the same rate of cost share as for the RA. In such cases, the Cooperative Agreement covering the RA may be amended to remain in effect until the end of USEPA's support.

H. Removal Actions

The Removal Program is authorized by CERCLA for the purpose of performing response actions that are necessary to mitigate immediate risks to human health and/or the environment. Removal actions are performed by USEPA, or IEPA and their contractors, with federal funds when the applicable criteria are met and there are no responsible parties willing and able to mitigate the emergency.

Region V receives a fixed budget each year for the purpose of performing removal actions. These monies are committed to the most critical actions that are identified. Priorities are readjusted upon receipt of each request to ensure that the most critical actions receive priority attention. The priorities are developed by the Region on the basis of USEPA Headquarters policy, guidance, directives, and regulations. No specific amount is set aside for each state; rather the expenditures are based upon the number and type of requests received.

To request a Federally funded Removal Action for a classified transportation release or fixed facility involving conditions of fire, explosion, or extreme threat to human health and/or the environment, a verbal request to the Chief, Emergency and Enforcement Response Branch, will be sufficient. Verbal request after normal business hours will be made through the USEPA, Region V's 24-hour emergency number (312 353-2318). Verbal requests will be followed within 10 work days with written documentation summarizing the verbal request. The USEPA will promptly review such requests and respond in writing to IEPA within 10 work days. USEPA will notify IEPA at least 21 days in advance of any removal action start or mobilization where practicable.

IV. ENFORCEMENT ACTIVITIES

A. Preamble

This portion of the SMOA will be used as guidance in developing case management strategies. Case management strategies are intended to assure that the decision making process for CERCLA investigation/remediation projects is consistent at every site and that the resultant CERCLA remedial strategies are consistent with CERCLA/SARA mandates, the NCP, applicable Federal and state environmental laws and other ARARs. This document will help to assure that consistent procedures for document review, comment and approval are followed and to assure that there is coordination between privately funded and publicly funded activities at NPL sites. This document does not delegate CERCLA enforcement authorities to IEPA.

B. Enforcement Principles

1. Role of Enforcement in Superfund Program: The parties agree that aggressive enforcement is an essential component of a successful Superfund response at NPL sites.
2. Enforcement Priority: The parties agree that, before public funds are used to undertake response actions at NPL sites, qualified responsible parties ("RPs" or "PRPs") should be afforded the opportunity or, when appropriate, ordered to undertake NPL site response actions first.
3. Formal Enforcement Required: The parties agree that response action commitments or settlements reached with RPs will be set forth in enforceable documents. An enforceable document includes an administrative order issued unilaterally or on consent, or the order of an appropriate state or federal court entered by a judge or on consent, or other state enforceable document.
4. Need for Expedited Enforcement Actions: The parties agree that an effective site remedial program depends upon a well coordinated, efficient and expedited enforcement effort against RPs.
5. Single Agency Enforcement: Any two party settlement agreement is entered into with the objectives that the agency which is not signatory to the agreement has or will be fully included in the development of the study and will concur with the selected remedy through the ROD process. The parties agree to implement this type of agreement in a manner which recognizes that enforcement carried out entirely by USEPA or IEPA is likely to be less resource intensive overall, but in the event that both the State and the USEPA enforce together they will use their best efforts to closely coordinate and cooperate.
6. Under any three-party settlement agreement or decree, or any unilateral order where USEPA is a signatory, USEPA is the lead enforcement agency.

7. Encouraging RPs to Conduct RI/FSs: CERCLA 104(b) and 122(a) provide the opportunity for RPs to conduct the RI/FS at a site. The parties agree to invite early and active participation of the RPs to conduct the RI/FS pursuant to the NCP as an effective means of encouraging RPs to implement the subsequent remedy at the site. The parties further agree that any agreement reached with RPs to carry out an RI/FS should be set forth in an enforceable administrative or court order.

C. Enforcement Activities

1. Program Descriptions

The goal of this portion of the SMOA is to ensure that NPL sites that are contaminated with hazardous substances are investigated and remediated by the responsible party(s), thereby minimizing the expenditure of public funds on these sites. During enforcement activities the lead enforcement agency:

- a. Negotiates enforcement agreements, with support agency participation, with RPs for investigation and remediation of sites.
- b. Initiates enforcement actions, with support agency participation, through referrals to the Attorney General's Office or Office of Regional Counsel and the Department of Justice against responsible parties who fail to enter into consent agreements with IEPA and/or USEPA or who fail to maintain compliance with executed agreements.
- c. Provides interdepartmental and interagency coordination by acting as the contact point to receive information from the responsible party and disseminate that information to the appropriate Agency personnel.
- d. Coordinates and tracks review comments on responsible party submittals and communicates the IEPA's and USEPA's comments to the responsible party.
- e. Oversees and tracks responsible party compliance with the executed enforcement agreement.
- f. Maintains project file, copying the support agency on significant documents.
- g. Where USEPA is the lead agency for enforcement purposes, IEPA may, through a CA or consent agreement, assume a technical lead role and hire and direct a third-party contractor to perform oversight functions, not inconsistent with the terms of the governing enforcement document. In a technical lead role, IEPA would be responsible for activities outlined in items C.1.c., d., and f. of this section.

2. Pre-Enforcement Activities

a. Enforcement Planning Activities

Superfund Comprehensive Accomplishments Plan (SCAP) for Enforcement Activities. In the annual meeting, USEPA and IEPA agree to review enforcement activities to be conducted at NPL sites by each agency in the State of Illinois for that year. The enforcement activities which will be reviewed for the SCAP will include:

- (1) PRP searches;
- (2) Notice letters;
- (3) Special Notice letters;
- (4) Information requests;
- (5) Oversight of PRP response actions;
- (6) Preparation of cost recovery documentation;
- (7) Community Relations Plans;
- (8) Settlement negotiations; and
- (9) Litigation and litigation support

- b. USEPA and IEPA agree to coordinate planning the enforcement activities portion of the SCAP according to the same procedures set forth for the coordination of remedial activities planning in this document.

3. Designation of Lead/Support Agency for Enforcement Activities

- a. USEPA and IEPA will review and designate the lead and support roles to be carried out by each agency at each site during the review of the draft promulgation to propose the site for the NPL. There may be a separate determination made at that time for an "enforcement lead" and "technical lead" agency. A designation of "State Enforcement Lead" (CERCLIS code normally "PS") contemplates a two-party consent agreement between IEPA and the PRPs, or unilateral action against the PRPs by the State of Illinois. Nothing precludes one agency from being designated the lead for enforcement and the other agency being designated technical lead for remedial activities at the same site under the appropriate circumstances.
- b. The agency identifying the potential addition of a site to the NPL shall initiate the lead and support agency designation process.

- c. Each lead agency designation will be reviewed at least two (2) times in the Superfund response process: first, before the start of a remedial investigation and feasibility study (RI/FS) and second, after the selection of the remedy but prior to the start of the RD. In addition, the lead agency designation may be changed at any time during the life of the project at the initiation of either agency and upon the agreement of both.
- d. Designation of Project Manager for the Lead Agency and Support Agency. The USEPA will designate a RPM for each NPL site and the IEPA will designate a SPM at the same time that the lead and support Agency determinations are made. Similarly, a lead Agency and support Agency attorney will be designated to coordinate legal activities according to project needs.

V. FEDERAL FACILITIES

From a regulatory perspective Federal facilities can be grouped into one of two categories; NPL or Non-NPL. The Hazard Ranking System (HRS) score determines the category. SARA mandates that the USEPA establish a Federal Agency Hazardous Waste Compliance Docket (the "Docket") and takes steps to assure that a Preliminary Assessment (PA) is conducted for each of the facilities on the Docket. Based on the PA (and any other available information) it is the USEPA's further responsibility to evaluate these facilities using the HRS and to include facilities on the NPL, if applicable. The NPL status of a facility will be a key factor in determining the lead regulatory agency. The determination of lead agency is discussed in this SMOA (Section II.A. and IV.C.3.). Agency roles are described below.

A. NPL Sites

Each Federal agency and USEPA will have the roles specified in Executive Order 12580. IEPA-DLPC foresees development of a significant role for itself in the Federal facilities program. Therefore, IEPA-DLPC and USEPA-OSF roles and responsibilities will be discussed and mutually agreed to on a site by site basis to minimize duplication of remedial efforts between agencies.

USEPA-OSF will seek IEPA-DLPC's participation from RI/FS through site deletion. Pursuant to CERCLA Section 120(f), USEPA-OSF shall afford IEPA-DLPC opportunity to participate in the planning and selection of the remedial action. As with enforcement sites, IEPA-DLPC will be given the opportunity to be included in all agreements, document reviews, and oversight activities. USEPA-OSF will supply IEPA-DLPC with all appropriate Federal facility guidance as received.

USEPA policy calls for Interagency Agreements (IAGs) to generally be three-party agreements. Therefore, IEPA-DLPC will be encouraged to sign on all IAGs. The IAG will include specific state roles in the process. Where discrepancies exist between this SMOA and site specific IAGs, the provisions of the IAG will be adhered to.

IEPA-DLPC understands that SARA amends Title 10, U.S.C. Chapter 160, to provide for the establishment of Technical Review Committees (TRCs) at DOD facilities. It is the responsibility of DOD to establish TRCs, and both USEPA-OSF and IEPA-DLPC participation is essential. For sites where a signed IAG is in place, TRC activities will supplement the review and comment process established in the IAG.

1. USEPA Role

a. Point of contact between the facility and support agency(ies):

- (1) Coordinate scheduling of meetings between Federal facility and support agencies;

(2) Coordinate the distribution of documents for review and comment; and

(3) Compile and transmit comments from support agencies to the Federal Facility.

b. Responsible for direct oversight role for response actions:

(1) Provide field oversight if required; and

(2) Provide QA/QC review of data.

c. Responsible for drafting and negotiating an Enforcement Agreement (Interagency Agreement (IAG) or Administrative Consent Order (ACO)) with the facility.

d. Signatory to or letter of concurrence on ROD.

e. Participant on the Technical Review Committee

2. IEPA Role

a. Supply State ARARs to USEPA.

b. Provide document review and comments to USEPA.

c. Signatory to the Enforcement Agreement.

d. Provide letter of concurrence on the ROD.

e. Participant on the Technical Review Committee.

The document review/comment process undertaken in Federal facility cases is to be the same as that described within the RI/FS and RD/RA activities sections for fund-financed sites. Procedures and timetables will be identical except for sections describing the ROD process. Executive Order 12580 delegates the authority for selection of the remedy, establishing the administrative record, public participation and Proposed Plan development and modification to the affected Federal facility. In those cases where executive order 12580 applies, the appropriate procedures will be modified. The procedures to be followed must be stipulated within the IAG/ACO that is negotiated with the facility.

B. Post-Remedial Reporting

USEPA-OSF and IEPA-DLPC shall work cooperatively to ensure the RD/RA and O&M work has been carried out consistent with USEPA/IEPA guidelines, as stipulated in the Record of Decision. Copies of the RA pre-final and final reports submitted shall be made available by the lead agency to the support agency for review and comment.

C. NPL-Deletion

USEPA-OSF shall afford IEPA-DLPC the opportunity to review and comment on facilities to be deleted from the NPL as discussed in section III-F within this document for fund-financed sites.

D. Community Relations

USEPA-OSF and IEPA-DLPC shall encourage Federal facilities to be involved in community relations activities at their NPL facilities. Community relations are the responsibility of the lead agency (the Federal agency) and should generally follow established USEPA community relations guidance and procedures. IEPA's Community Relations Program will assist if necessary.

VI. SUPERFUND COMPREHENSIVE ACCOMPLISHMENTS PLAN (SCAP)

A. SCAP Overview

Superfund planning and funding activities in USEPA Region V are currently governed primarily by the USEPA SCAP. The development of the SCAP is, therefore, a critical Superfund planning process requiring coordination and negotiation with the State.

B. SCAP Negotiations

An annual meeting will be held during the second quarter of each federal fiscal year to begin SCAP negotiations for the upcoming federal year. USEPA-OSF and IEPA-DLPC will confer and reach tentative agreement on schedules and funding levels for sites that will be incorporated into Region V's annual target negotiations with Headquarters. To the maximum extent practicable, final decisions by USEPA on schedules and funding levels will not be made without consultation with IEPA-DLPC. USEPA-DLPC will provide an opportunity for the State to participate in the SCAP quarterly update process by discussing the SCAP updates at the regular USEPA/IEPA quarterly meetings or conference calls. However, anticipated SCAP changes during any quarter will be promptly communicated to IEPA-DLPC as USEPA-OSF becomes aware of them. At the conclusion of Regional and Headquarters negotiations, commitments for site accomplishments will be established for the upcoming fiscal year.

USEPA-OSF and IEPA-DLPC SCAP negotiations will address the following activities:

1. The preliminary assessments, site investigations, listing site inspections, site investigation follow-ups (PAs/ESIs/SIs) to be conducted in the state during the fiscal year, and the lead agency for each site;
2. The RI/FSs to be initiated during the fiscal year, and the lead agency for each site;
3. The RD/RAs to be conducted during the fiscal year, and the lead agency for each site;
4. The enforcement actions to be conducted during the fiscal year, and the lead agency for technical and enforcement activities for each site. Enforcement actions include PRP searches, notice letters, Section 104(e) information requests, Section 122 special notices (or the State's equivalent if the State is the lead agency); RI/FS and/or RD/RA settlement negotiations and litigation.

VII. ADMINISTRATIVE RECORD

Both parties agree that the lead agency is responsible for compiling and maintaining the administrative record for a specific site both at the lead agency's central office and in the established location near the site. Each party will name the respective staff members responsible for compiling and maintaining site-specific administrative records. Both parties agree to follow USEPA guidance governing administrative records.

A. State Involvement on Federal-Lead Sites

The administrative record for a Federal-lead site will reflect IEPA involvement in the selection of a remedial action. The record for a RA should reflect at least the following IEPA involvement:

1. Opportunity to comment on all draft work plan documents;
2. Letter to IEPA requesting identification of ARARs at various project intervals;
3. Opportunity to comment on the draft RI report;
4. Final response from IEPA identifying ARARs (and certification from IEPA);
5. Opportunity to comment on a proposed finding to select a remedial action not attaining a level or standard of control at least equivalent to legally applicable or relevant and appropriate standards, requirements, criteria, or limits (as mandated by / 121(d)(4) of CERCLA);
6. Opportunity to comment on the final draft FS report;
7. Opportunity to comment on the draft Proposed Plan;
8. Opportunity to have input to the Responsiveness Summary;
9. Opportunity to comment on the draft ROD;
10. Final concurrence or non-concurrence on the final ROD; and
11. State comments are appropriate, excluding deliberations.

The administrative record for a removal action should similarly reflect any IEPA participation at appropriate stages.

The record file should only include final IEPA comments. Any preliminary, internal deliberation between the IEPA and USEPA need not be part of the record file if final documentation is included in the record file. USEPA will provide a draft index of the administrative record to IEPA for comment before release to the public.

B. Federal Involvement on State-Lead Sites

IEPA will comply with Section 113 of CERCLA. IEPA will compile and maintain the administrative record upon which the selection of remedial or removal actions are based. The compilation and maintenance of the record will be, to the extent practicable, in an organized fashion in accordance with USEPA guidance on the administrative record. The administrative record will be located at the IEPA central office, and also in a convenient location near the site. IEPA will submit copies of the index, the RI/FS work plans, the RI/FS released for public comment, the Proposed Plan, and any public comments received on the RI/FS and Proposed Plan to Region V, as they are added to the administrative record file. In addition, other documents may be requested by USEPA on a case-by-case basis. IEPA will provide a second copy of the administrative record suitable for release to the public. In addition, USEPA may require the submission of other administrative documents for fund cost recovery purposes. One complete copy of the Administrative Record must be kept in the Region V office.

The IEPA compiled record will reflect Region V's participation through comments and concurrence, or nonconcurrence at the same stages as required for State involvement in a federal lead site. IEPA will place in the record file all final documents submitted by Region V.

The following final documents are potential items for inclusion in an administrative record:

- a. Preliminary Assessment Report;
- b. Site Investigation Report;
- c. Community Relations Plan;
- d. Any relevant removal documents (if removal action was completed or is ongoing at the site);
- e. Initial work plan and any amendments thereto;
- f. QA/QC'd raw data (including test results and sampling data) (Public Repository may only contain data summaries with reference to Agency files);
- g. Data summary sheets (usually part of the RI);
- h. Chain-of-custody forms (these will be indexed and the actual documents kept in a centralized compendium);
- i. Raw data (these will be indexed and the actual documents kept in a centralized compendium);
- j. Site Safety Plan;

- k. Quality Assurance Project Plan (QAPP);
 - l. Endangerment Assessment or other public health assessment;
 - m. Final ATSDR/IDPH Health Assessment (draft versions not included);
 - n. RI/FS (final deliverable released for public comment);
 - o. Final Proposed Plan;
 - p. Any other factual data relating to reasons for selecting the remedial action at the site;
 - q. Memoranda on site-specific major policy and legal interpretations, e.g., off-site disposal availability;
 - r. Guidance documents and technical sources included (by reference);*
 - s. Copies of any notices, including notices to PRPs, Agencies, Natural Resources Trustees, notices of availability of information;
 - t. Public comments (including a late comments section);
 - u. Documentation of meetings during which the public and PRPs presented information upon which the agency based its decision on selection of a remedial action (may be after-the-fact restatement of issues raised);
 - v. Responses to substantive comments received during the RI/FS public comment period or any submittal prior to that time (Responsiveness Summary);
 - w. New technical information presented by the public or RPs after RI/FS completion;
 - x. Transcripts of required meeting(s) on the RI/FS and Proposed Plan;
 - y. Final ROD; and
 - z. Any other appropriate information.
- * Guidance documents and technical sources may be kept in a central compendium by the docket clerk. They need not be in each site-specific record. The index to the record should reference titles of relevant guidance documents and technical sources.

IEPA will provide certification for completeness of the administrative record at the time such administrative record is presented in an enforcement referral action to USEPA. IEPA will also provide draft indexes to USEPA for comment before the Administrative Record is released to the public.

VIII. COMMUNITY RELATIONS AND TECHNICAL ASSISTANCE GRANTS

A direct complement to the technical side of Superfund is the community relations program. It is a vital component; establishing two-way communications with local communities primarily for transmitting information and explaining Superfund activities to concerned citizens and local officials. Informing the public about hazardous waste remedial activities requires careful coordination between IEPA and USEPA Region V. It is critical that the communication between the two groups always be clear and direct and that they strive always to speak from a unified position.

During each phase of the Superfund process, the Community Relations staff at IEPA and USEPA are likely to come in contact with residents, citizens, local officials and the media with a wide variety of interests. Since Superfund and related hazardous waste issues are of great importance to the citizens of Illinois, the IEPA may, at times, need to take a prominent role in community relations regardless of the site lead designation. Such activities would be coordinated with USEPA's Community Relations office and other program staff. When necessary, the IEPA Community Relations Office can use its contacts with officials and community leaders in the affected localities to assist in a coordinated USEPA/IEPA effort. The lead agency project manager and community relations coordinator will notify the support agency in a timely manner of all significant community relations activities and related issues.

Both agencies will follow community relations policy and procedures in CERCLA, as amended by SARA, the NCP, the Superfund Community Relations Handbook and other written EPA guidance documents. The preparation of press releases and contact with the media will be the responsibility of the lead agency. All press releases will be coordinated in advance and issued in consultation with the support agency. Only occasionally would the support agency need to issue a press release. Press releases will acknowledge the support agency's role whenever appropriate.

The lead agency will chair all public meetings and the RI/FS public hearing. The support agency should send a representative to the meeting to observe and participate as appropriate.

The Technical Assistance Grant (TAG) program under SARA will be administered by USEPA, Region V at all Superfund sites, regardless of the lead. USEPA however, agrees to keep IEPA fully informed on program applications and grants at Illinois sites.

IX. COOPERATIVE AGREEMENT AND CONTRACT MANAGEMENT GENERAL POLICY

A. CA Applications

IEPA-DLPC will provide USEPA-OSF with a list of sites projected to require CA application and CA amendments in the upcoming federal fiscal year in accordance with SCAP discussions between the agencies. The preparation and submittal of CA applications and amendments will be the responsibility of the IEPA-DLPC.

The IEPA-DLPC will submit draft CA applications beginning at any new sites and for State-Lead RA's within 30 calendar days of the beginning of the quarter. USEPA-OSF will review and comment on the draft CA within 30 calendar days of receipt. The IEPA-DLPC will submit the final CA within 30 work days of receipt of USEPA-OSF's comments.

1. Core Program Cooperative Agreement

The Core Program Cooperative Agreement (CPCA) will be reviewed and revised by IEPA-DLPC and USEPA on an annual or more frequent basis. The IEPA-DLPC will submit a draft application by August 15 or 60 calendar days before the end of the current budget period. USEPA-OSF will review and comment on the draft application within 15 work days of receipt. The IEPA-DLPC will submit the final application within 15 work days of receipt of USEPA-OSF's comments.

2. Pre-Remedial Cooperative Agreement (PA/SI)

USEPA-OSF will provide final guidance on the activities to be conducted under the grant for the upcoming fiscal year. IEPA-DLPC will submit a draft work plan to USEPA within 60 calendar days of receipt of final guidance. USEPA-OSF will provide comments within 15 work days of receipt of the draft work plan. IEPA-DLPC will respond to comments and submit a final work plan within 15 work days from receipt of USEPA-OSF's comments or September 1, whichever is later.

B. Consultant/Contractor Procurement

The IEPA will continue to comply with the applicable provisions found in either 40 CFR Part 33 or Part 35. If IEPA-DLPC has administrative procurement questions regarding regulation interpretations, IEPA-DLPC will seek USEPA-OSF recommendations through the Region V Project Officer regarding the proper course of action.

C. Contract Change Orders

Change Orders will be approved by USEPA, as understood by IEPA, as follows:

- For RI/FS and RD change orders; USEPA approval will be required only if the change order requires an increase in the funding level of the CA, or if the change order requires revision to the SOW.

- For RA change orders greater than \$50,000, USEPA approval will be required.

D. Intergovernmental Review

IEPA-DLPC will meet the requirements of intergovernmental review. The IEPA-DLPC will submit to USEPA-OSF a copy of the approval letter which identifies the State Application Identifier (SAI) number assigned to the CA.

If a negative review is received, IEPA-DLPC will attempt to resolve the comment(s). If the comments require revision to the application USEPA will attempt to reprocess the application within 30 days of receipt of the revised application.

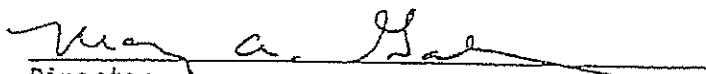
E. Superfund State Contracts (SSC) Procedures

- USEPA-OSF and IEPA-DLPC shall develop a standard SSC to be used for all future new site-specific SSCs and amendments.
- Prior to funding a federal lead Remedial Action at a site, a SSC must be executed and in-place. USEPA-OSF will prepare a draft SSC which will include that activity in detail and its respective funding. This SSC will also mention any potential future activities, which will be the subject of future amendments.
 - No increases to RA funding may occur without amendment to the SSC. When increased funds are anticipated USEPA-OSF will notify the IEPA-DLPC of the need for the increase and will draft an amendment within 10 work days and submit it to the IEPA-DLPC for comment. The remaining activities will follow the steps outlined below for SSC concurrence (steps D through G).
- USEPA-OSF will submit the draft SSC (or amendment) to the IEPA-DLPC for comment.
- The IEPA-DLPC shall review the SSC and provide comment to USEPA-OSF within 10 work days.
- USEPA-OSF shall incorporate the IEPA-DLPC's comments into the SSC. Should any issues be raised by the IEPA-DLPC that require further clarification, USEPA-OSF shall consult with the IEPA-DLPC and resolve these issues within 10 work days of receipt of the comments.
- Within 15 work days of receipt of the IEPA-DLPC's comments or resolution of any outstanding issues, USEPA-OSF will prepare a final SSC for the Regional Administrator's signature. Two copies of the Regional Administrator's signed SSC shall be submitted to the IEPA Director.
- The IEPA Director shall sign the two copies of the SSC, retain one and return one signed copy to USEPA, within 15 work days of receipt.
- Funding of SSC's is subject to funding changes outside the parties control.

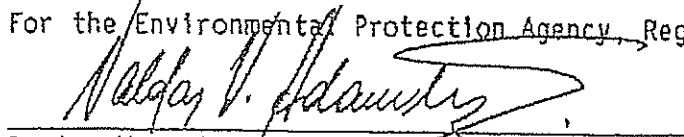
X. CONFIDENTIAL DOCUMENTS

- A. At USEPA-OSF's request, and to the extent allowed by State law, the IEPA-DLPC shall make available to USEPA any information in its possession necessary to implement this Agreement, with the exception of deliberative or policy documents that the IEPA-DLPC would not otherwise be required to disclose. At the IEPA-DLPC's request and to the extent allowed by Federal law, USEPA-OSF shall make available to the IEPA-DLPC any information in its possession necessary to implement this agreement, with the exception of deliberative or policy documents that USEPA-OSF would not otherwise be required to disclose.
- B. If any information is provided to USEPA-OSF by the IEPA-DLPC under a claim of confidentiality, it will be treated in accordance with 40 CFR 2 if the IEPA-DLPC has given USEPA-OSF notice of the claim of confidentiality. If any information is provided to USEPA-OSF under a claim of confidentiality, it shall be returned to IEPA-DLPC if USEPA-OSF believes Federal law threatens such confidentiality. The USEPA-OSF shall not disclose any information submitted by IEPA-DLPC under a claim of confidentiality without the approval of IEPA-DLPC.
- C. If any information is provided to the IEPA-DLPC by USEPA-OSF under a claim of confidentiality, it shall be returned to USEPA-OSF if IEPA-DLPC believes State law threatens such confidentiality. The IEPA-DLPC shall not disclose any information submitted by USEPA-OSF under a claim of confidentiality without the approval of USEPA-OSF.
- D. Any information that may potentially affect present or planned enforcement actions of investigations shall not be released to the public unless approved by USEPA Region V, Office of Regional Counsel, or the IEPA and the Office of the Illinois Attorney General.
- E. In order to protect attorney/client privileges, documents prepared in anticipation of litigation will not be exchanged if such exchange might jeopardize those privileges. In such cases, when USEPA or the State do not intend to share such documents, they will inform the other party of such decisions and their rationale.

For the Illinois Environmental Protection Agency


Director
Illinois Environmental Protection Agency

For the Environmental Protection Agency, Region V


Region V Regional Administrator
U.S. Environmental Protection Agency

12/18/91
Date

TA:jk/sp/473q

ADDENDUM NO. 1

SUPERFUND MEMORANDUM OF AGREEMENT
BETWEEN THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
AND THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V

I. BACKGROUND

The Illinois Environmental Protection Agency ("IEPA") and the United States Environmental Protection Agency, Region V ("Region V") entered a Superfund Memorandum of Agreement (SMOA) effective December 18, 1991. Among other things, the SMOA established operating procedures for general Superfund program coordination and communication between IEPA and Region V.

II. BROWNFIELDS

In 1993 IEPA and Region V began developing strategies to promote the remediation and redevelopment of "Brownfield" sites. Both agencies recognize that a key factor to the Brownfields program in Illinois is for both agencies to exercise their authorities and use their resources in ways that are mutually complementary and are not duplicative. Two operational factors are important in this regard. First, the IEPA has successfully operated a voluntary cleanup since the late 1980s. This program, more formally known as the Pre-Notice Site Cleanup Program ("PNSCP"), provides guidance, assistance and oversight by IEPA to owners and operators of sites in Illinois who perform site assessment and remediation in accordance with the practices, and under the approval, of the IEPA. In addition IEPA has established a consistent cleanup objectives process across all its remediation programs (PWSCP, CERCLA, RCRA, and LUST) which is protective of human health and the environment. Second, USEPA has administered a national site assessment program to assess sites listed on the federal CERCLIS list. This assessment process identifies and prioritizes sites for remediation needs and also establishes a "no further remedial action planned" or NFRAP category of sites. As a result of the success of these two programs, IEPA and Region V have concluded that the principles and procedures set forth in this Addendum will meaningfully assist in the remediation and development of Brownfield sites.

III. PRINCIPLES

If a site in Illinois has been remediated or investigated under the practices and procedures of the Illinois PNSCP and IEPA has approved the remediation as complete or made a no-action determination upon review of an investigation, consistent with existing information the site will not be expected to require further response actions. Accordingly, Region 5 will not plan or anticipate any federal action under Superfund law unless, in exceptional circumstances, the site poses an imminent threat or emergency situation. Region 5 will also continue to work with Illinois to remove any concerns about federal activity under Superfund so as to encourage appropriate redevelopment.

This Principle does not apply to sites which have been listed on the National Priorities List or sites subject to an order or other enforcement action under Superfund law or sites imminently threatening public health or the environment. Future IEPA activities at the site will be based on the conditions of the remediation approval and whether any imminent threat subsequently arises.

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IV. REPORTING

On an annual basis IEPA will report to Region V on the Following:

- 1) number of sites in the PNSCP;
- 2) sites entering the PNSCP the previous year;
- 3) sites having received approvals by IEPA of full or partial completions in the previous year;

For the Illinois Environmental Protection Agency

Wm A. [Signature]
Director, Illinois Environmental Protection Agency

For the U.S. Environmental Protection Agency, Region V

[Signature]
Region V Regional Administrator
U.S. Environmental Protection Agency

Date 4/06/95